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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Report of the Working Group on Enforced or Involuntary Disappearances

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CONTENTS

	Paragraphs	Page
Introduction	1 - 7	5
Chapter		
I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 1996	8 - 35	
A. Meetings and missions of the Working Group	8 - 11	7
B. Communications	12 - 16	7
C. Implementation of the Declaration on the Protection of All Persons from Enforced Disappearance	17 - 30	8
D. Draft international convention on the prevention and punishment of enforced disappearances	31 - 32	11
E. Special process on missing persons in the territory of the former Yugoslavia	33 - 35	12
II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES REVIEWED BY THE WORKING GROUP	36 - 379	
Afghanistan	36 - 39	
Algeria	40 - 46	
Angola	47 - 50	
Argentina	51 - 60	
Bangladesh	61 - 63	
Bolivia	64 - 67	
Brazil	68 - 75	
Burkina Faso	76 - 78	
Burundi	79 - 85	
Cameroon	86 - 88	
Chad	89 - 93	
Chile	94 - 100	
China	101 - 110	
Colombia	111 - 122	
Cyprus	123 - 125	
Dominican Republic	126 - 128	
Ecuador	129 - 131	
Egypt	132 - 136	
El Salvador	137 - 142	
Equatorial Guinea	143 - 145	
Ethiopia	146 - 150	
Gambia	151 - 152	
Greece	153 - 156	

CONTENTS (continued)

	Paragraphs	Page
Guatemala	157 - 163	
Guinea	164 - 166	
Haiti	167 - 170	
Honduras	171 - 176	
India	177 - 189	
Indonesia	190 - 195	
Iran (Islamic Republic of)	196 - 200	
Iraq	201 - 209	
Israel	210 - 212	
Kuwait	213 - 215	
Lao People's Democratic Republic	216 - 218	
Lebanon	219 - 225	
Libyan Arab Jamahiriya	226 - 227	
Mauritania	228 - 230	
Mexico	231 - 237	
Morocco	238 - 248	
Mozambique	249 - 252	
Nepal	253 - 255	
Nicaragua	256 - 259	
Pakistan	260 - 267	
Paraguay	268 - 271	
Peru	272 - 281	
Philippines	282 - 293	
Russian Federation	294 - 299	
Rwanda	300 - 307	
Saudi Arabia	308 - 310	
Seychelles	311 - 313	
South Africa	314 - 316	
Sri Lanka	317 - 328	
Sudan	329 - 338	
Syrian Arab Republic	339 - 341	
Tajikistan	342 - 344	
Togo	345 - 347	
Turkey	348 - 358	
Uganda	359 - 361	
Uruguay	362 - 365	
Uzbekistan	366 - 368	
Venezuela	369 - 371	
Yemen	372 - 275	
Zaire	376 - 379	
III. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED	380 - 390	
Kazakstan	380 - 382	
Tunisia	383 - 384	
Turkmenistan	385 - 386	
Zimbabwe	387 - 390	

CONTENTS (continued)

		Paragraphs	Page
IV.	CONCLUSIONS AND RECOMMENDATIONS	391 - 397	
V.	ADOPTION OF THE REPORT	398	

Annexes

I. Decisions on individual cases taken by the Working Group during 1996 . . . . . .

II. Statistical summary: Cases of enforced or involuntary disappearances reported to the Working Group between 1980 and 1996 . . . . . .

III. Graphs showing the development of disappearances in countries with more than 100 cases transmitted during the period 1974-1996 . . . . . .

Introduction

1. The present report of the Working Group on Enforced or Involuntary Disappearances is submitted pursuant to Commission on Human Rights resolution 1996/30, entitled "Question of enforced disappearances". 1/ In addition to the specific tasks entrusted to the Working Group by the Commission in this resolution, the Group has also taken into account other mandates stemming from a number of resolutions adopted by the Commission 2/ entrusted to all special rapporteurs and working groups. All these tasks have been given due consideration by the Working Group in the course of 1996; in view of the financial crisis of the United Nations and the page limit imposed on all reports, however, the Working Group decided not to reproduce the content of these resolutions as it has done in the past.

2. In addition to its original mandate, which is to act as a channel of communication between families of disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and the whereabouts of the disappeared persons clarified, the Working Group has been entrusted by the Commission with various other tasks. In particular, the Working Group is to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance. 3/ States are under an obligation to take effective measures to prevent and terminate acts of enforced disappearance, by making them continuing offences under criminal law and establishing civil liability.

3. As in previous years, the Working Group has continued to apply the urgent action procedure in cases that allegedly occurred in the three months preceding the receipt of the report by the Group. This year the Working Group sent urgent action appeals to Governments in respect of 97 cases. It has also promptly intervened with the Governments of Argentina, Brazil, Colombia and Mexico on cases in which relatives of missing persons, or other individuals or organizations which have cooperated with the Group, or their legal counsel, are said to have been subjected to intimidation, persecution or other reprisals.

4. The total number of cases being kept under active consideration as they have not yet been clarified now stands at 43,980. The number of countries with outstanding cases of alleged disappearance was 63 in 1996. During the period under review, the Working Group received some 551 new cases of disappearance in 28 countries.

5. As in the past, the present report reflects only communications or cases examined before the last day of the third annual session of the Working Group, which was 22 November 1996. Urgent action cases which may have to be dealt with between that date and the end of the year, as well as communications received from Governments and processed after 22 November 1996, will be reflected in the Working Group's next report.

6. Finally, the Working Group feels obliged to again draw the Commission's attention to the 32-page limit for reports decided by the General Assembly. The Group fully understands the efforts of the United Nations to reduce costs. However, while 32 pages may be a reasonable limit for certain reports, it is certainly not the case for the thematic report of this Working Group, which

deals with almost 70 countries, tens of thousands of individual cases and the monitoring of the Declaration on the Protection of All Persons from Enforced Disappearance. The Working Group has made and is continuing to make, efforts to reduce the length of its report. It has, for example, reduced the number of pages in its report from 180 in 1993 to 117 last year. The members have also agreed to work without interpretation amongst themselves. Any further reduction, however, could seriously hinder the quality of the Group's work.

7. The Working Group also wishes to express its concern that many of those contributing to and interested in the Group's work were unable to read last year's report since it was not translated. It views this situation with the utmost preoccupation.

I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 1996

A. Meetings and missions of the Working Group

8. The Working Group held three sessions in 1996. The forty-eighth session was held in New York from 3 to 7 June, and the forty-ninth and fiftieth sessions were held in Geneva from 19 to 23 August and from 13 to 22 November, respectively. During its 1996 sessions, the Working Group met with representatives of the Governments of Egypt, Guatemala, Kuwait, Morocco, the Sudan and Uruguay, as well as with the National Commission for Human Rights of Mexico.

9. The Group also met with representatives of human rights organizations, associations of relatives of missing persons and families or witnesses directly concerned with reports of enforced disappearances.

10. As in previous years, the Working Group examined information on enforced or involuntary disappearances received from both Governments and non-governmental organizations and decided, in accordance with its methods of work, on the transmission of such reports or observations received thereon to the Governments concerned. It also requested Governments to provide complementary information whenever necessary for the clarification of cases.

11. For various reasons the Working Group decided to postpone its visit to Colombia, envisaged for 1996. To date it has received no reply from the Governments of Iraq and Turkey to its letters dated 21 July 1995 requesting a visit. For this reason, no mission took place in 1996.

B. Communications

12. During the period under review, the Working Group transmitted 551 new cases of enforced or involuntary disappearance to the Governments concerned, 92 of which were sent under the urgent action procedure. The majority of the newly reported cases, 88 of which allegedly occurred in 1996, relate to Chad, China, Colombia, Indonesia, Iraq, Mexico, Sri Lanka and Turkey. Many of the other cases received were referred back to the sources as they lacked one or more elements required by the Working Group for their transmission, or because it was not clear whether they fell within the Working Group's mandate; other cases were considered inadmissible within the context of that mandate. During the same period, the Working Group clarified 181 cases.

13. As has been its practice in the past, the Working Group twice reminded the Governments concerned of reports of disappearances transmitted during the previous six months under the urgent action procedure. It also reminded all Governments of the total number of outstanding cases remaining before it and, when requested, retransmitted the summaries of those cases or the diskettes containing those summaries to them. Following each of its three sessions, the Working Group informed Governments of decisions it had made with respect to cases of disappearance in their countries. It also transmitted to the Governments concerned the allegations which it had received from non-governmental organizations concerning, in particular, obstacles to the implementation of the Declaration.

14. The Working Group has continued to attach great importance to its contacts with non-governmental organizations and relatives of missing persons, and maintained close contact with sources of information throughout the year, informing them on a regular basis of the state of its investigation into cases of concern to them, as well as the replies it had received from Governments in this respect.

15. As in previous years, the Working Group received reports and expressions of concern from non-governmental organizations, associations of relatives of disappeared persons and individuals about the safety of persons actively engaged in the search for missing persons, in reporting cases of disappearance or in the investigation of cases. In some countries, the mere fact of reporting a disappearance entailed serious risk to the life or security of the person making the report or to his or her family members. In addition, individuals, relatives of missing persons and members of human rights organizations were frequently harassed and threatened with death for reporting cases of human rights violations or investigating such cases.

16. Taking into account the ever-increasing number of United Nations field operations with human rights components, and the field offices of the High Commissioner for Human Rights, the Working Group has continued this year to address itself to these offices in an effort to take advantage of their unique position on the ground in order to improve its information flow with regard to disappearances. Information in this respect is reflected in the appropriate country chapters.

C. Implementation of the Declaration on the Protection of All Persons from Enforced Disappearance

17. The Declaration refers to the right to a prompt and effective judicial remedy, as well as unhampered access of national authorities to all places of detention, the right to habeas corpus, the maintenance of centralized registers of persons deprived of their liberty, the duty to investigate fully all alleged cases of disappearance, the duty to try alleged perpetrators of disappearance before ordinary (not military) courts, the exemption of the criminal offence of acts of enforced disappearance from statutes of limitations, special amnesty laws and similar measures leading to impunity. The Working Group continued to remind the Governments of these obligations not only in the context of clarifying individual cases, but also by taking action of a more general nature. During the year under review, it drew the attention of Governments and non-governmental organizations to the general or specific aspects of the Declaration; it discussed with representatives of Governments and non-governmental organizations how to solve specific problems in the light of the Declaration and how to overcome obstacles to its implementation.

18. In paragraph 29 of its resolution 1996/30 on the question of enforced disappearances, the Commission on Human Rights requested the Secretary-General to keep the Commission and the Working Group informed of the steps he takes for the widespread dissemination and promotion of the Declaration and to compile observations, if any, from Governments on the possible measures they have taken, where appropriate, to take the Declaration into account.

19. The Working Group appreciates the efforts of the Secretary-General to disseminate the Declaration, in particular by distributing Fact Sheet No. 6 and a booklet on the Declaration, as well as by making the text of the Declaration available on the Internet. The note by the Secretary-General on this subject submitted to the Commission on Human Rights at its fifty-third session is contained in document E/CN.4/1997/104.

20. Based on its experience of dealing with individual cases, the Working Group also continues to issue country-specific observations, thereby drawing the attention of the Governments concerned to the relevant provisions of the Declaration. These country-specific observations have been prepared on all countries with more than 50 alleged cases of disappearance or where more than 5 cases were reported during the period under review. All country-specific observations are to be found at the end of the respective country sections in chapter II of the present report.

21. With a view to focusing the attention of Governments more effectively on the relevant obligations deriving from the Declaration, the Working Group decided, at its fiftieth session, to adopt the following general comments on those provisions of the Declaration that might need further explanation in the light of the experience of the Working Group in its communications with Governments.

General comments on article 10 of the Declaration

22. Article 10 of the Declaration is one of the most practical and valuable tools for ensuring compliance by States with their general commitment not to practise, permit or tolerate enforced disappearances (art. 2) and to take effective legislative, administrative and judicial measures to prevent and terminate such acts (art. 3).

23. One important legislative, administrative and judicial measure is that contained in article 10, paragraph 1, which stipulates that "any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention". This provision combines three obligations which, if observed, would effectively prevent enforced disappearances: recognized place of detention, limits of administrative or pre-trial detention and judicial intervention.

24. The first commitment is that the person "deprived of liberty be held in an officially recognized place of detention". This provision requires that such places must be official - whether they be police, military or other premises - and in all cases clearly identifiable and recognized as such. Under no circumstances, including states of war or public emergency, can any State interests be invoked to justify or legitimize secret centres or places of detention which, by definition, would violate the Declaration, without exception.

25. This first commitment is reinforced by the provisions contained in paragraphs 2 and 3 of article 10.

26. Paragraph 2 provides that information on the place of detention of such persons "shall be made promptly available to their family members, their

counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned". It is therefore not enough for the detention to take place in an officially recognized place; information on it must be made available to the persons mentioned in that paragraph. Accordingly, both the lack of such information and any impediments to access to it must be considered violations of the Declaration.

27. Paragraph 3 refers to the highly important commitment of maintaining up-to-date registers of all persons deprived of liberty and of making the information contained in those registers available to the persons mentioned in paragraph 2 and to any other authority entitled to it under national or international law, including the Working Group on Enforced or Involuntary Disappearances. The Group has a mandate to clarify the fate and whereabouts of disappeared persons and to monitor States' compliance with the Declaration. Emphasis is given to the principle that the information should not only exist, but must be available to a range of persons extending far beyond family members. The minimum requirement for such information is the up-to-date register in every centre or place of detention, which means that complying formally with this commitment by keeping some sort of record can never be sufficient; each register must be continuously updated so that the information that it contains covers all persons being held in the relevant centre or place of detention. Anything else would be a violation of the Declaration. It is also stipulated that each State shall take steps to maintain centralized registers. Such registers help in tracing the whereabouts of an individual who may have been deprived of liberty, since precise information is not always available on where such a person may have been taken, and this can be clarified with an up-to-date centralized register. As the complex situation in some countries makes it difficult to envisage the immediate establishment of a centralized register, the minimum commitment in this regard is "to take steps" in that direction; these must of course be effective and gradually produce results. Not "to take steps" would be a violation of the Declaration.

28. The second commitment is to ensure that any person deprived of liberty is "brought before a judicial authority", which complements the preceding provision on the place of detention and availability of information. It is not enough for the place of detention to be an "officially recognized place of detention" or for accurate information to be available on the place where the individual is being held. The Declaration takes account of a more substantive aspect of detention in stipulating that administrative or pre-trial detention must be only temporary, as the person deprived of liberty must be "brought before a judicial authority". This obligation is in addition to those considered above.

29. The third commitment is to ensure that the person in question is brought before a judicial authority "promptly after detention". This underlines the transitional and temporary nature of administrative or pre-trial detention which, per se, is not a violation of international law or of the Declaration unless it is unduly prolonged and the detained person is not brought "promptly" before a judicial authority. Consequently, any detention which is prolonged unreasonably or where the detainee is not charged so that he can be brought before a court is a violation of the Declaration. The fact that this provision does not set a time-limit for administrative detention should not be interpreted as allowing for unlimited laxity, since the principles of

reasonableness and proportionality and the very spirit of the provision dictate that the period in question should be as brief as possible, i.e., not more than a few days, as this is the only conceivable interpretation of "promptly after detention".

30. The Declaration provides for no exceptions to observance of the commitments contained in article 10. Consequently, not even the existence of a state of emergency can justify non-observance. Moreover, all of the commitments laid down must be observed as minimum conditions if the provisions of this article of the Declaration are to be interpreted as having been fulfilled by the State concerned. In this connection, reference is made to the jurisprudence of the Human Rights Committee with respect to article 9.3 of the International Covenant on Civil and Political Rights and to other relevant United Nations standards concerning administrative detention.

D. Draft international convention on the prevention and punishment of enforced disappearances

31. The Working Group welcomes the efforts of the Sub-Commission's sessional working group on the administration of justice and the question of compensation to prepare a draft international convention on the prevention and punishment of enforced disappearances. The Working Group wishes to be further informed of the progress made in the drafting work and would welcome being invited to attend relevant meetings of the sessional working group.

32. With respect to the question of monitoring mechanisms raised in the report of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1996/16, para. 47), the Working Group is of the opinion that a monitoring body would be essential in order to supervise the compliance of States parties. However, in order to avoid a further proliferation of treaty monitoring bodies, the Working Group suggests that this task should either be entrusted to one of the existing treaty monitoring bodies, for example by adopting a further optional protocol to the International Covenant on Civil and Political Rights, or to the Working Group on Enforced or Involuntary Disappearances. In the latter case, the Working Group would be prepared, in analogy to the double role of the Inter-American Commission on Human Rights, to examine the possibility of continuing to function as a thematic mechanism of the United Nations Commission on Human Rights with respect to all countries of the world where cases of disappearances are alleged to occur and, in addition, to function as a treaty monitoring body with respect to States parties to the future convention on disappearances.

E. Special process on missing persons in the territory of the former Yugoslavia

33. The expert member of the Working Group in charge of the Special Process on Missing Persons in the territory of the former Yugoslavia, established pursuant to Commission on Human Rights resolutions 1994/72, 1995/35 and 1996/71, Mr. Manfred Nowak, continued his activities aimed at determining the fate and whereabouts of many thousands of missing persons in Croatia and in Bosnia and Herzegovina. In the period under review the expert concentrated his field activities on the situation in Bosnia and Herzegovina, after the entry into force of the Dayton Peace Agreement.

34. With the support of the human rights field operation of the United Nations High Commissioner for Human Rights and in close cooperation with other institutions in the field, such as the Office of the High Representative, the International Criminal Tribunal for the Former Yugoslavia, the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and the International Committee of the Red Cross, the expert facilitated, in particular, a programme of excavation of mass graves and exhumation of mortal remains for the purpose of identifying deceased missing persons, returning the remains to the families concerned and, thereby, responding to the right of the families to know the truth about the fate of their loved ones.

35. The activities of Mr. Nowak in 1996 and his analysis of the phenomenon of disappearances in the former Yugoslavia are summarized in his report to the Commission at its present session (E/CN.4/1997/55).

II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES REVIEWED BY THE WORKING GROUP

Afghanistan

36. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Afghanistan.

37. The two outstanding cases concern a Jordanian journalist who reportedly disappeared in Jalalabad, province of Nangarhar, in 1989 while on assignment, and an American citizen of Afghan origin who allegedly disappeared in 1993 when he was on a visit to Afghanistan.

38. Although the Working Group believes that many more cases of disappearance must have occurred in Afghanistan, individual cases have not been brought to the Working Group's attention to allow it, in accordance with its methods of work, to take action.

39. During the period under review, the Government provided information on the two outstanding cases, stating that in one case the person concerned had never been arrested and in the second case, following a lengthy investigation by the security forces, as well as efforts in the Ministry of Foreign Affairs, the subject's name had not been found in the register of any prison.

Algeria

40. During the period under review, the Working Group transmitted three newly reported cases of disappearance to the Government of Algeria. During the same period, the Working Group clarified six cases, all on the basis of information provided by the Government on which no observations were received by the source within a period of six months. In five cases the persons concerned had reportedly been killed, and in one case the person had been released from custody after 48 hours.

41. The majority of the 107 reported cases of disappearance occurred between 1993 and 1995. The security forces were alleged to be responsible for all the arrests and subsequent disappearances, which reportedly occurred throughout the country, although mainly in Algiers. A number of the disappeared are reported to have been members or sympathizers of the Islamic Salvation Front (FIS). One case concerned a British resident who was reportedly detained upon his arrival at the airport in Algiers. Another case concerned a person holding dual Algerian and French citizenship. The victims were from a variety of professions, including medical doctors, journalists, university professors, students, civil servants and farmers.

42. The three newly reported cases allegedly occurred in 1994 and 1995 and concerned a university student and an engineer from Annaba, who were reportedly arrested by military security personnel, and a teacher who was allegedly arrested by the police, taken to the police bunkers in Chateau-neuf in Ben Akoun for interrogation and subsequently disappeared.

43. According to the information received from non-governmental organizations, members of the security forces neither have warrants nor wear uniforms when they carry out arrests. It is reported that in the majority of cases the detainees are not brought before courts and are therefore unaccounted for.

44. During the period under review, the Government provided information on 30 individual cases. In the majority of the cases the Government reported that no arrest warrant had been issued against the person concerned. However, the authorities concerned will continue investigations to determine the fate of the disappeared persons. In nine cases, the Government reported that the persons had been killed, and in four cases that the persons were suspected of having participated in terrorist activities and were wanted by the security forces.

Observations

45. The Working Group wishes to express its appreciation to the Government for the information which it has provided on a number of individual cases. It also wishes to remind the Government of its responsibility under article 10 of the Declaration, that detainees be held in an officially recognized place of detention and be brought before a judicial authority promptly after detention.

46. The Working Group, furthermore, while taking into account the legitimacy of derogating from some human rights commitments, in accordance with international law, during public emergencies, nevertheless wishes to stress that, pursuant to article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances.

Angola

47. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Angola.

48. The four cases which remain pending on the Working Group's books concern four men who were allegedly arrested in 1977 by the Angolan security forces, in particular by DISA (Angolan information and security forces). Two of them were reportedly arrested because they were suspected of supporting UNITA.

49. With regard to the four outstanding cases, during the period under review the Government informed the Working Group that it had done everything in its power to locate all information concerning the people who disappeared in Huambo and Onjiva, but to no avail. The Permanent Representative of Angola to the United Nations Office in Geneva stated that "for the second time, he visited the provinces of Huambo and Kuando Kubango with a view to personally participating in the enquiry conducted by the Angolan authorities into the disappearance of these four persons. The Government stated that the resources available to the Angolan authorities for meeting the thousands of requests to trace those who disappeared as a result of the war were extremely limited. In addition, many bodies had been spontaneously buried during the fighting, which made it impossible to now identify the places of burial and to locate the remains. Consideration should be given to the fact that many Angolans had no identity papers and had died a violent death. Since all possibilities of investigation had been exhausted, the Government expressed the hope that the Working Group would consider the four pending cases clarified."

50. In an effort to explore all means available to try to elucidate these cases, the Working Group wrote to the Special Representative of the Secretary-General in Angola to inform him of the situation, with the hope that he may be able to be of assistance in shedding light on these cases. At the time of issuing of the present report, no reply had yet been received by the Group.

Argentina

51. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Argentina. At the same time, the Working Group deleted one case from the Argentine statistics when the case was also found to be in the statistics of Uruguay.

52. In accordance with its prompt intervention procedure, on 2 May 1996 the Working Group sent a fax to the Government of Argentina requesting that it ensure the protection of the basic human rights of six members of a group composed of children of victims of disappearances and other violations, who were reportedly subjected to intimidation by members of the security forces.

53. The vast majority of the 3,461 reported cases of disappearance in Argentina occurred between 1975 and 1978 under the military Government, in the context of its campaign against left-wing guerrillas and their sympathizers.

54. As in the past, a number of non-governmental organizations have continued to address themselves to the Working Group with regard to their ongoing quest to have the fate of the persons who disappeared in Argentina brought to light, in particular demanding that the Argentine State present any documentation and other information in its possession on the human consequences of the so-called war against subversion, and especially the consequences of such operations for persons on whose whereabouts as disappeared persons information had been requested.

55. In this connection, there are a number of cases before the courts about which the Working Group has been amply informed over the past several years. In 1996, the Group was advised that the time allotted for producing evidence had expired. It is alleged that the plaintiffs have been deprived of the opportunity to present evidence that was available at the beginning of the proceedings, because public documents and other essential evidence in proceedings brought against the State in the federal courts have been removed or destroyed. Such information is said to include the entire records of the military junta and administrative documentation on specific individuals who disappeared during the military rule. An extensive collection of documents, reportedly consisting of over 10,000 pages, containing charges of disappearances of thousands of individuals and internal proceedings in that connection under the military government, have reportedly been kept by the Ministry of the Interior, who is said to maintain that these documents are not relevant to the subject of the proceedings. It is claimed that several high-level State officials appear prima facie to be involved in the systematic obstruction of judicial action in these cases and that the plaintiffs have decided to prosecute three ministers of the national executive and three magistrates in this connection.

56. By note verbale dated 22 February 1996, the Government of Argentina informed the Working Group of the action undertaken by the Argentine authorities since 10 December 1983 to trace and establish the identity of children of persons who disappeared in Argentina during the period 1976-1983. It noted, inter alia, that the comprehensive investigation carried out by the National Commission on the Disappearance of Persons (CONADEP), by the judiciary and by the Office of the Attorney General covered the entire spectrum of disappeared persons, encompassing children who disappeared together with their parents as well as children who were born in captivity. Concurrently, judicial proceedings were instituted in various courts, mainly on the basis of a complaint lodged by the organization "Grandmothers of the Plaza de Mayo", with the aim of tracing children.

57. The Government further reported that, in 1992, the President of Argentina had established the National Committee for the Right to an Identity, whose aim was to promote the search for disappeared children. The Commission regularly and systematically performed activities in response to requests from the "Grandmothers of the Plaza de Mayo", or at its own initiative. As at 22 February 1996, 57 children and young people had reportedly been traced.

58. By notes verbale dated 30 April and 2 August 1996, the Government informed the Working Group of action undertaken by the authorities to pursue investigations into cases of disappeared persons. It reported that, on the basis of new information presented to it, the Buenos Aires National Appeals Court for Federal Criminal and Correctional Cases had decided to initiate proceedings in order to determine the fate of three individuals reported to have disappeared in the period 1976-1983.

Observations

59. The Working Group understands the difficulties involved in gathering the information necessary to determine the whereabouts of thousands of victims of enforced disappearances that occurred 20 years ago in Argentina.

60. However, the figure of 3,461 outstanding cases that remain unelucidated is a matter of serious concern. The Working Group points out that, according to the Declaration it is a continuous commitment of the Argentine State to conduct investigations "thoroughly and impartially" (art. 13) "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13, para. 6). This commitment does not prevent Argentina from exploring, in conjunction with relatives, additional ways of dealing with outstanding cases, including the possibility of compensation mechanisms.

Bangladesh

61. During the period under review, the Working Group transmitted, for the first time, one case of disappearance to the Government of Bangladesh, which reportedly occurred in 1996 and was sent under the urgent action procedure.

62. This case concerned the organizing secretary of the Hill Women's Federation (an organization which reportedly campaigns for the rights of the indigenous people in the Chittagong Hill Tracts), who is said to have been

forcibly taken from her home in the Chittagong Hill Tracks by security personnel before the general elections of 12 June 1996. It is believed that her abduction may have been linked to her support of a candidate representing the interests of indigenous people in the parliamentary elections.

63. During the period under review, the Government informed the Working Group that the Home Minister had established a three-member committee to carry out an investigation into this case and submit its report to the Ministry of Home Affairs. The Committee was to investigate the present case as well as suggest legal steps to prevent such incidence in the future.

Bolivia

64. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Bolivia.

65. The majority of the 48 cases of disappearance reported to the Working Group occurred between 1980 and 1982, in the context of measures taken by the authorities following two military coups d'état. Twenty of these cases have been clarified.

66. Following a request from the Government, the Working Group retransmitted to it a summary of the 28 outstanding cases. In a letter dated 7 September 1996, the Government noted that the cases of disappearance had taken place under dictatorial regimes. Since 1982, successive Bolivian Governments had made efforts to elucidate the cases of disappearance and to punish the perpetrators. As a result, many of those who had committed human rights violations had been imprisoned. The Government also provided information on the 28 outstanding cases. However, the Group considered that it was insufficient to constitute a clarification.

67. The Working Group considers the reply from the Government as a positive step, after many years of no communication.

Brazil

68. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Brazil. During the same period, the Working Group clarified 42 of the 51 outstanding cases, in which the relatives had recognized as dead their missing family members and for which the Government issued death certificates and informed the Group of the relatives who had received compensation and the amount paid. Most of the 56 cases of disappearance transmitted to the Government by the Group occurred between 1969 and 1975, under the military Government, in particular during the guerrilla warfare in the Aerugo region. The Working Group also retransmitted four cases to the Government, updated with new information from the source, and deleted one case from the Brazil statistics which was found to be duplicated in the Chile country file (see under Chile).

69. In accordance with its prompt intervention procedure, the Working Group sent a fax to the Government of Brazil requesting that it ensure the protection of the basic human rights of a witness to a case of disappearance. The witness was reportedly subjected to death threats following her testimony, which is said to have resulted in the initiation of proceedings against eight police officers.

70. During the period under review, the Government of Brazil informed the Working Group that a bill concerning the recognition as dead of persons missing in connection with their political activities in the period 1961-1979, had been approved by the National Congress and promulgated by the President of the Republic. The Government informed the Group that the Bill provided that the relatives of the above-mentioned persons were entitled to obtain death certificates and to receive compensation from the State. The Government provided a list of names of such persons, their beneficiaries and the amount paid; the list included the names of all the persons whose cases are pending on the Working Group's books. In addition, the Bill provided for the creation of a Special Commission to consider the inclusion of new names in the list of the disappeared recognized as dead. The Government provided a list of names of 156 persons, as at 30 October 1996, who were to receive compensation pursuant to this law by the end of the year.

71. The Government further reported that "simple inclusion of the name in the list of persons recognized as dead by the Bill or recognition by the Special Commission created by the same Bill guarantees by itself the right to request death certificates from the public registration offices, which are the offices responsible for the issuance of these certificates. According to the Ministry of Justice and to the above-mentioned Special Commission, the recognition of the deaths, either those on the initial list or through the Special Commission, is a sufficient condition both to receive compensation and to request the death certificates. Although the right to request death certificates is guaranteed, it is up to each family to decide if it will exercise this right or not. Compensation is due by the State automatically after the recognition of the victim's death. The Special Commission continued its activities with regard to the investigation and localization of corpses and in May 1996 sent a mission to the region where the Aerugo guerrilla warfare took place. Forensic experts have started the work of exhumation".

72. The Government further reported that the payment of compensation was to be by groups of beneficiaries. "By the end of 1996, 159 groups are to be compensated, corresponding to the sum of approximately US$ 18 million. Compensations reportedly have a minimum value of US$ 100,000, but larger amounts may be paid on the basis of the expected lifetime of the victim at the time of his/her disappearance."

73. The Working Group received information from non-governmental organizations. They welcomed the adoption of this Bill and the progress made in relation to compensation for the families of the disappeared. However, concern was expressed that the Bill might set a limiting precedent in relation to other cases, and in particular that the legislation did not provide for a full investigation of the circumstances of these human rights violations, or for those responsible to be identified or brought to justice.

74. Furthermore, with regard to locating the remains of the disappeared, concern was expressed that the legislation placed an unreasonable burden on the families. It was said that relatives were asked to provide indications as to the location of the remains, in order that the Commission might decide on whether there was sufficient evidence to proceed with investigations at those sites. It was argued that it was the State, rather than the victims' relatives, which had access to such information.

Observations

75. The Working Group welcomes the approval of and steps taken for the implementation of the Bill, which entitles the relatives of persons who disappeared between 1961 and 1979 to obtain death certificates and to receive compensation from the Brazilian State. This is a very important step which complies with the commitment of the State that "in the event of the death of the victim as a result of an act of enforced disappearance, their dependents are entitled to a compensation" (art. 19 of the Declaration). It is important to recall that, according to the Working Group's methods of work, in situations of presumption of death, the case or cases can be considered clarified only when there is concurrence of the relatives and other interested parties.

Burkina Faso

76. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Burkina Faso.

77. The three outstanding cases of disappearance reported to the Working Group concern two soldiers and a university professor, all of whom were reportedly arrested in 1989, together with 27 other persons, on charges of having participated in an alleged conspiracy against the Government.

78. Despite several reminders, no information has ever been received by the Working Group from the Government regarding these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Burundi

79. During the period under review, the Working Group transmitted two newly reported cases of disappearance to the Government of Burundi, which were sent under the urgent action procedure.

80. The 45 previously reported cases of disappearance in Burundi occurred in Bujumbura between November and December 1991, following attacks against the Government in the capital and the north-western provinces of Cibitoke and Bubanza, as well as in September 1994 in Kamenge and Cibitoke, suburbs of Bujumbura. Thirty-one of the disappeared persons, who were of Hutu origin, were reportedly arrested by members of the security forces, mainly composed of the Tutsi minority. Most of them were later held at Mura and at paratroopers' barracks in Bujumbura, while others allegedly disappeared while in custody at the headquarters of the Gendarmerie's Special Investigations Brigade, in Bujumbura. The more recently reported cases of disappearance allegedly concern Hutus, most of whom had reportedly been assembled and held by members

of the security forces on the playing field of the Ecole technique supérieure in Bujumbura, Kamenge suburb. These persons, reportedly suspected of possessing arms, were said to have been arrested and taken away to an unknown destination by members of the armed forces. Another case of disappearance concerned a colonel, responsible for military schools and the Training Centre of the Burundese Army, who was reportedly abducted as he was coming out of the house of one of his colleagues, where he had gone to collect documents before leaving for a seminar abroad.

81. The two newly reported cases of disappearance concern one person who was allegedly arrested by gendarmes at a military check-point in Bujumbura and taken away to an unknown destination. The second case relates to a person reportedly arrested by gendarmes during a control on one of the main roads on the outskirts of the capital and then allegedly detained at the Special Investigations Brigade.

82. During the period under review, confrontations between rebel groups and the Burundese army sharply increased throughout the country. According to information received by the Working Group, after a period of relative calm during the first two months of the year, civil war spread, for the first time, into the southern provinces of the country, which so far had been relatively spared. This outburst of violence and internal strife, which provoked the flight and displacement of some 100,000 people in the south, was later followed by unrest in the centre of the country and renewed fighting in Cibitoke province. In several major incidents in May and June hundreds of civilians, mainly women, children and the elderly, lost their lives in army repraisals against the civilian population following rebel attacks on military positions or industrial targets.

83. In this overall climate of fear and insecurity, allegations of a general nature received by the Working Group indicate a growing number of disappearances and arbitrary arrests, as well as targeted assassinations of intellectuals, provincial governors, merchants and local administrators among the Hutu community.

84. It was against this extremely grim background that the military coup d'état of 25 July 1996 took place, in which President Sylvestre Ntibantunganya was replaced by Major Pierre Buyoya, former President of the Republic of Burundi from 1987 to 1993.

85. Although several reminders have been sent, no information has been received by the Working Group from the Government with regard to these cases of disappearance. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Cameroon

86. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Cameroon.

87. All six outstanding cases reported to the Working Group occurred in 1992. The cases concerned five youngsters aged 13 to 17, including three brothers, who were reportedly seen being taken into police custody in Bamenda in February 1992 at the time of the arrest of leaders of the Cameroon

88. During the period under review, no information was received by the Working Group from the Government concerning these cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

Chad

89. During the period under review, the Working Group transmitted six newly reported cases of disappearance to the Government of Chad. All of them are said to have occurred in 1996 and were sent under the urgent action procedure.

90. Of the six cases of disappearance reported to the Working Group in the past, five occurred in 1991 and one in 1983. The latter was submitted by a relative of the victim and concerned a member of the Democratic National Union who was reportedly taken prisoner in July 1983 in the context of clashes between government troops and opposition forces which took place at Faya-Largeau. The other cases concerned members of the Hadjerai ethnic group who were reportedly arrested on 13 October 1991 by the Chadian security forces. They are said to have been detained following an announcement by the authorities that an attempt by a section of the Chadian armed forces to overthrow President Idriss Deby had been thwarted. Soldiers loyal to the Government are said to have killed and arrested many civilians, solely because they came from the Hadjerai ethnic group.

91. The newly reported cases concern six members of armed opposition groups who are said to have been arrested by the Sudanese security forces at El Geneina in the Sudan, near the Chadian border, and handed over to the Chadian security forces. They are alleged to have then been transferred to N'Djamena by members of the Agence nationale de sécurité.

92. During the period under review, no information was received by the Working Group from the Government concerning these cases. The Working Group is, therefore, unable to report on the fate of the disappeared persons.

Observations

93. The Working Group is concerned about the recently reported cases of disappearance. It wishes to remind the Government of Chad of its responsibility under article 3 of the Declaration to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearances in any territory under its jurisdiction.

Chile

94. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Chile. During the same

period, the Working Group considered 20 cases clarified, based on information provided by the Government in which it was reported that the body of the persons concerned had been found and identified, as a result of tests carried out by the Forensic Medicine Department of Santiago.

95. The vast majority of the 912 reported cases of disappearance in Chile occurred between 1973 and 1976 under the military Government. They concerned political opponents of the military dictatorship, from different social strata, most of them activists in the Chilean leftist parties. Those responsible for the disappearances were members of the army, the air force, the carabineros and persons acting with the acquiescence of the authorities.

96. During the period under review, the Government of Chile provided information on 27 individual cases. On the basis of this information, the Working Group considered clarified 20 of these cases in which it was reported that the bodies of the persons concerned had been found and identified, as a result of tests carried out by the Forensic Medicine Department of Santiago. With regard to the other seven cases, the Working Group requested the Government of Chile to provide it with additional details on the judicial proceedings, in particular whether the families of the victims had taken part in the investigations, either at the judicial level or the investigation carried out by the National Agency for Compensation and Reconciliation.

97. During the same period, the Government of Uruguay submitted information to the Working Group on a Uruguayan citizen who had disappeared in Chile. It informed the Group that the remains of the person concerned had been found in a common grave in Santiago, identified and repatriated to Uruguay.

98. The Government of Brazil also provided information on a Brazilian citizen who had disappeared in Chile. It reported that the Government of Chile had accepted responsibility for the person's disappearance and was paying compensation to the subject's family. This case was erroneously entered in both the Brazil and Chile country statistics. In accordance with the methods of work of the Working Group, since the case occurred in Chile, it should figure in the Chile country statistics only. Accordingly, at its fiftieth session, the Working Group deleted this case from the country files of Brazil.

Observations

99. The Working Group welcomes the steps taken by the Government of Chile to clarify some of the outstanding cases and continues to follow with interest the efforts to compensate the families "in the event of the death of the victim as a result of an act of enforced disappearance" (art. 19 of the Declaration).

100. However, regarding the remaining outstanding cases, the Working Group points out that, in accordance with the Declaration, it is the continuous commitment of the Government of Chile to conduct investigations "thoroughly and impartially" (art. 13) "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13, para. 6).

China

101. During the period under review, the Working Group transmitted 17 newly reported cases of disappearance to the Government of China, six of which reportedly occurred in 1996.

102. Most of the 73 cases of disappearance reported to have occurred in China took place between 1988 and 1990, the majority of which concern Tibetans. Reportedly, some of them disappeared after being arrested for writing or singing national poems or songs. Nineteen of these cases concerned a group of Tibetan monks who had reportedly been arrested in Nepal, interrogated by Chinese officials while in detention and, allegedly, turned over to the Chinese authorities at the Jatopani border. Other victims reportedly were human rights activists involved in pro-democracy activities. Three of the reported cases concerned persons who disappeared after the incident in Beijing in 1989.

103. Sixteen of the newly reported cases of disappearance are said to have occurred in Tibet and concerned eight monks, a church leader, an accountant, a driver, a mechanic, a teacher, two businessmen and one person of unknown profession. In all the cases the Public Security Bureau Police were alleged to be responsible. One of the disappeared persons is said to have been arrested for having participated in a religious ceremony in which a prayer was offered for the long life of the Dalai Lama, and several others were reportedly arrested in Lhasa in 1995 and 1996 for having distributed leaflets containing political messages. Four monks who reportedly disappeared in 1996 were allegedly accused of having produced pro-independence posters and leaflets containing prayers for the health and safety of the child reported as disappeared, recognized by the Dalai Lama on 14 May 1995 as the reincarnation of the late Panchen Lama. Several other persons are reported to have disappeared following celebrations to mark the 30th anniversary of the founding of the Tibetan Autonomous Region.

104. One other case of disappearance reported during the period under review, is said to have occurred in Beijing and concerns a writer who was reportedly arrested two days after signing a petition entitled "Greeting the United Nations Year of Tolerance, we appeal for the realization of tolerance in China", on the occasion of the sixth anniversary of the 1989 Tianamin Square incident.

105. During the course of 1996, the Working Group received information from non-governmental organizations alleging "an emerging pattern of disappearances in Tibet". It is claimed that such disappearances occur as so-called "recurrent detention", where a person is taken into custody for a few days or hours, then released, and the process repeated several days later. Families are reportedly given no information or documentation to indicate that their relatives are detained. Human rights monitors, or those suspected of human rights activities, including those suspected of sending abroad information on the situation in China, are said to be particularly targeted by this practice.

106. It is further reported by non-governmental organizations that the prison system in various parts of the country, Tibet in particular, falls under the jurisdiction of the Ministry of Public Services (police) rather than

that of the Ministry of Justice. This means a single government agency not only investigates and prosecutes, but also retains custody of the accused person after trial - a situation condemned under international standards as being likely to lead to human rights violations.

107. During the period under review, the Government provided information on three cases which concern the disappearance of the boy, Gedhun Nyima, who was reportedly recognized as the reincarnation of the tenth Panchen Lama by the Dalai Lama in 1995, and his parents. The Government stated the following: "A few unscrupulous souls have tried to smuggle the boy abroad. They even plotted to do him physical harm and then shift the blame to the Government of China. Fearing for his safety, the boy's parents appealed to the Government for protection. The Government has responded to their request by taking security measures to protect the boy, his parents and other family members. At present they are leading normal lives and enjoying perfect health. Unfortunately, unless we have their consent, we are not at liberty to reveal their place of refuge."

108. The Working Group remains concerned about the whereabouts of the child, Gedhun Nyima, who is the subject of the controversial issue regarding the reincarnation of the late Panchen Lama. In this connection, in accordance with its methods of work, the Working Group would appreciate being provided by the Government of China with documents supporting its statement that he and his parents had appealed to the Government for protection and at present are "leading normal lives and enjoying perfect health".

Observations

109. The Working Group is extremely concerned about the recent increase of disappearances in China, particularly in Tibet, reported to it this year.

110. The Working Group wishes to remind the Government of China of its responsibility under article 3 of the Declaration to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearances in any territory under its jurisdiction. It also wishes to remind the Governmen of its commitment, under article 14 of the Declaration, "to bring to justice all persons presumed responsible for an act of enforced disappearance".

Colombia

111. During the period under review, the Working Group transmitted 23 newly reported cases to the Government of Colombia, 16 of which reportedly occurred in 1996. Of these newly reported cases, 20 were transmitted under the urgent action procedure. During the same period, the Group clarified nine cases on the basis of information previously provided by the Government on which the source has not made any observations during a six-month period.

112. In accordance with Commission on Human Rights resolution 1995/75, the Working Group sent a "prompt intervention" cable to the Government of Colombia on behalf of persons who had allegedly been subjected to acts of intimidation or harassment. They included members of the Association of Relatives of Disappeared Detainees; relatives of two persons missing after the killing of

one member of the family, who had been making inquiries on the whereabouts of the disappeared; and witnesses to the arrest of one person who subsequently disappeared, who had given testimony before the judicial authorities.

113. The majority of the 970 reported cases of disappearance in Colombia have occurred since 1981, in particular in Bogota and regions where the level of violence is highest. The cases include those of persons belonging to civic or human rights groups who had publicly denounced abuses by members of the security forces or paramilitary groups.

114. The newly reported cases transmitted this year occurred in the departments of Antioquia (7), Atlantico, (2), Cesar (7), Cordoba (1), Choco, (1), Meta (1), Santander (3) and the city of Bogota (1). The forces alleged to be responsible were the army (5), the police (2), members of paramilitary groups (11) and unidentified men in civilian clothes believed to be linked to governmental forces (5).

115. During the period under review, a number of non-governmental organizations expressed concern with regard to a bill of constitutional reform, presented to Parliament in April 1996 by a group of senators, establishing that all crimes committed by members of the "fuerza pública" (armed forces and police) should be dealt with under military jurisdiction. That would include not only penal but also disciplinary investigations. If the bill was approved, therefore, all disciplinary proceedings conducted under the current legislation, by the Office of the Procurator General ("Procuraduría General de la Nación") would be transferred to the military jurisdiction. The Government responded to this criticism by saying that the bill, which had not yet been discussed, was an initiative of the Congress and that the Government had not expressed its support for it. It also pointed out that the purpose of the bill was to establish a mechanism by which all penal investigations against members of the "fuerza pública" would be initiated by personnel from the military justice system, who would only decide whether or not the facts in question were related to the service. The bill was by no means intended to assign all such investigations definitively to the military jurisdiction.

116. Non-governmental organizations also expressed concern that during 1995 and 1996 there had been no progress whatsoever regarding the preparation and discussion of a new bill aimed at including "forced disappearance" as a separate crime in the Penal Code. The Government, as well as the Parliament, had allegedly shown a total lack of interest in the subject. Judges and investigators, therefore, continued to consider the cases of disappearance as "kidnapping". In addition, those cases continued to be transferred to military jurisdiction whenever members of the armed forces or the police appeared to be implicated in a disappearance. In connection with this issue, the Government informed the Working Group that discussions were under way on the preparation of a new draft, and that the question of military jurisdiction and due obedience would have to be dealt with in the framework of the reform of the military criminal justice system.

117. The Working Group was also informed by non-governmental organizations of another bill on constitutional reform presented to Parliament by the President of the Republic in August 1996. This bill would suppress many of

the limitations imposed by the 1991 Constitution on the possibility of declaring a state of emergency and give additional powers to the Executive while a state of emergency was in force. The bill would also give judicial police functions to the Armed Forces and restrict the possibility of individuals to avail themselves of the writ of protection. According to the sources, all these measures, if approved, would very much undermine the human rights protection system set forth in the Constitution.

118. During the period under review, the Government transmitted information on some 160 outstanding cases. Most of these replies contained details of the legal proceedings carried out by the various authorities dealing with the cases. In nine of them, the whereabouts of the missing persons were indicated.

119. The Government requested the Working Group to consider clarified the cases reportedly transmitted before 1990 on which no additional information had since been received. The Group replied by reminding the Government of its methods of work, in accordance with which cases remained in the Working Group's files for as long as the exact fate and whereabouts of the missing persons had not been established.

120. In a note verbale dated 26 February 1996, the Government transmitted information regarding the implementation of the recommendations made by the various thematic mechanisms of the Commission on Human Rights that had visited the country. It mentioned, in particular, that the Government had established a plan for the development of the justice system; that the Office of the Attorney-General had set up a unit to deal exclusively with investigations on human rights cases; that the Constitutional Court had declared unconstitutional the practice of incorporating military personnel in judicial police units; and that the Government intended to present to the Congress, in March 1996, a draft of the new code of military justice. With regard to the functioning of the habeas corpus procedure, the Government explained the reasons why it had been subject to restrictions, and pointed out that it was ready to study any proposal of reform that would allow it to reconcile safeguarding of the right to protection with the risks involved if the restrictions were lifted.

Observations

121. The Working Group expresses its appreciation to the Government of Colombia for its cooperation during the period under review, and understands the difficulties in gathering the information necessary to determine the whereabouts of the victims of enforced disappearances. However, the Working Group is concerned that the evolving situation has generated 23 new cases of disappearances during the period under review. The Working Group wishes to remind the Government of the urgency of taking "effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance", in accordance with the Declaration (art. 3). It also recalls that it is the continuous commitment of the Government of Colombia to conduct investigations "thoroughly and impartially" (art. 13) "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13, para. 6).

122. The Working Group emphasizes the need for compliance with the commitment to try alleged perpetrators of disappearances in ordinary and not military or special courts (art. 16, para. 2) and to ensure "prompt and effective judicial remedy" (art. 9) as a means of preventing disappearances. It is therefore especially important to have full guarantees of the use of habeas corpus. Finally, it urges the Colombian authorities to do everything in their power to ensure the safety of relatives and witnesses (art. 13, para. 3).

Cyprus

123. As in the past, the Working Group continued to remain available to assist the Committee on Missing Persons in Cyprus (CMP). The Working Group noted that in 1996 the Committee, whose activities are based mainly on the testimony of witnesses and investigations in the field, held two sessions, including 12 meetings at the beginning of the year, before the retirement of the Third Member, Mr. Paul Wurth, in March 1996.

124. The Working Group was informed that, following the submission of the final report of the Third Member and before initiating the procedure to appoint a new Third Member, the Secretary-General of the United Nations had addressed a letter to the two Cypriot leaders on 4 April 1996, asking both sides to reach a consensus on four specific points before the end of June 1996, in order to enable the CMP to make expeditious progress.

125. Despite the substantial work carried out by both sides, agreement on the four points has not been reached. The Secretary-General is currently considering the merits of continuing United Nations support to the CMP.

Dominican Republic

126. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Dominican Republic.

127. Of the two outstanding cases, one concerns a person who was arrested in June 1984 in Santo Domingo and subsequently disappeared. The other concerns a university lecturer, who was also a journalist and political activist, who was reportedly detained in May 1994 by members of the army and subsequently taken to a military base.

128. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Ecuador

129. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Ecuador.

130. The majority of the 20 reported cases of disappearance occurred between 1985 and 1992 and concerned persons who were reportedly arrested by members of the Criminal Investigation Service of the National Police. The

disappearances occurred in Quito, Guayaquil and Esmeraldas. In three cases the victims were children. Three other cases concerned Peruvian citizens who were reportedly detained in January and February 1995 in the cities of Huaquillas, Loja and Otavalo.

131. During the period under review, the Government requested copies of the outstanding cases, which were sent to it on 14 May 1996. No new information was received, however, from the Government on the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Egypt

132. During the period under review, the Working Group transmitted two newly reported cases of disappearance to the Government of Egypt, one of which reportedly occurred in 1996.

133. Of the total 17 cases of disappearance reported to the Working Group, two have been clarified. Of the 15 outstanding cases, the majority allegedly occurred between 1988 and 1994 and were submitted by non-governmental organizations and relatives of the victims. The victims included alleged sympathizers of Islamic militant groups, students and three citizens of the Libyan Arab Jamahiriya. The renewal of the state of emergency during this period, which reportedly gave free rein to the security forces without supervision or accountability, is said to have been an aggravating factor in the disappearances.

134. The newly reported cases concern a trader and a doctor; in both cases, officers of the State Security Investigations Office are alleged to be responsible for the disappearance.

135. During the period under review, the Government submitted replies on 15 cases of disappearances, reporting that in five cases the persons concerned are in prison either for belonging to terrorist organizations or for committing terrorist acts; two cases involve suspicion of criminal activity; three cases involve Libyan nationals on whom there is no criminal or administrative information, and the police are still investigating the relevant circumstances; one case concerns a person who was released after being detained by the security authorities and on whom there is no new information; in two cases the results of the investigation did not reveal that any security-related or legal measures had been taken against the persons concerned, in one case that the person had been released from detention and left the country, and in one other case that the person concerned had escaped from prison. In a number of other cases, the Government reiterated information previously provided.

136. At its fiftieth session, the Working Group met with a representative of the Government of Egypt who expressed the desire and determination of his Government to continue to cooperate with the Working Group. During the discussion, an exchange of views also took place on a number of individual cases.

El Salvador

137. During the period under review, the Working Group transmitted 23 newly reported cases of disappearance to the Government of El Salvador. During the same period, the Working Group clarified 15 cases on the basis of information provided by the source in which it was reported that in six cases the persons had been found alive and living at liberty; in four cases the corpses of the persons concerned had been found, and in two cases the presumption of death had been judicially declared following an official request by the relatives.

138. The majority of the 2,661 reported cases occurred between 1980 and 1983, in the context of the armed conflict between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN). Many victims disappeared following arrest by uniformed soldiers, uniformed police or abduction in death-squad-style operations carried out by armed men in civilian clothing, reportedly linked to the army or to the security forces. Abductions by armed men in civilian clothing were, in some cases, subsequently recognized as detentions, which raised allegations of links with the security forces.

139. All of the newly reported cases occurred between 1979 and 1985 under the circumstances described above.

140. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Group is, therefore, still unable to report on the fate or whereabouts of the disappeared persons.

Observations

141. The Working Group is encouraged by the fact that not a single new case of disappearance has been recorded since 1992. However, it continues to be concerned that little has been done to clarify the 2,270 outstanding cases. The Working Group wishes to remind the Government of El Salvador that, in accordance with the Declaration, it is the continuous commitment of the Government of El Salvador to conduct investigations "thoroughly and impartially" (art. 13) "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13, para. 6).

142. The Working Group encourages the efforts that the Government, the Ombudsperson (or Procurator's Office for the Protection of Human Rights) and the relatives may take to clarify the cases and, if applicable, implement the provisions of article 19 of the Declaration, which entitles the relatives to compensation "in the event of the death of the victim as a result of an act of enforced disappearance".

Equatorial Guinea

143. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Equatorial Guinea.

144. The three previously reported cases of disappearance concern members of political opposition parties who were reportedly arrested in Malabo on 9 and 10 August 1993. The police authorities, however, reportedly refused to disclose any information on their whereabouts.

145. Although several reminders have been sent, and the cases retransmitted to the Government, at its request, in July 1996, no information has ever been received by the Working Group from the Government on the three outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Ethiopia

146. During the period under review, the Working Group transmitted one case to the Government of Ethiopia which reportedly occurred in 1996 and was sent under the urgent action procedure. During the same period, the Working Group clarified this case on the basis of information received from the source in which it was reported that the person concerned had been located in detention in Ethiopia.

147. The majority of the 102 cases of disappearance reported to the Working Group occurred between 1991 and 1994 under the Transitional Government and concerned members of the Oromo ethnic group suspected of participation in the Oromo Liberation Front who were arrested in Addis Ababa or disappeared from the Huso military detention camp in western Ethiopia. Other cases concerned members of the Ogaden National Liberation Front (a political party) who disappeared in eastern Ethiopia, in the Ogaden, an area reportedly inhabited by ethnic Somalis, and in which there were reports of fighting by elements of the Ogaden National Liberation Front. Some 30 other cases occurred between 1974 and 1992 after the military Government took power, and concerned mainly, although not exclusively, high-ranking officials of Emperor Haile Selassie's Government and members of the Oromo ethnic group, in particular those believed to be involved with the Oromo Liberation Front, or persons accused of involvement with opposition political groups, including the Ethiopian Socialist Movement.

148. The newly reported case concerned an Ethiopian refugee in Djibouti who was reportedly arrested at a refugee camp in Djibouti by members of the Djiboutian police and handed over to the Ethiopian authorities.

149. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, still unable to report on the fate or whereabouts of the vast majority of disappeared persons.

Observations

150. The Working Group regrets that there has been no further information from the Government on the fate of the persons reported as disappeared. In this connection, it wishes to remind the Government of its commitment, under articles 13 and 14 of the Declaration, to investigate thoroughly all cases of enforced disappearance and to bring the perpetrators to justice.

Gambia

151. During the period under review, the Working Group transmitted, for the first time, one case of disappearance to the Government of the Gambia. The case concerns a member of the now dissolved House of Representatives of the Gambia who was allegedly arrested in 1995 by the police and who subsequently disappeared.

152. As the above-mentioned case was examined by the Group at its third annual session and only sent to the Government on 11 December 1996, no information was expected from the Government on the fate and whereabouts of the disappeared person prior to the adoption of the present report.

Greece

153. During the period under review, the Working Group transmitted one newly reported case of disappearance to the Government of Greece, which reportedly occurred in 1995 and was sent under the urgent action procedure. During the same period, the Working Group retransmitted the same case to the Government, updated with new information from the source.

154. The two other outstanding cases were transmitted to the Government in 1993 and concern Albanian cousins who were reportedly taken by the police in Zagora the same year. The Government informed the Working Group in 1993 that the persons in question had never been arrested by the police, but that investigations were continuing.

155. The one newly reported case concerns a Swiss citizen who was reportedly travelling from Greece to Italy on a Greek ship and who was denied entry into Italy and returned to Greece on the same ship.

156. During the period under review, the Government provided information to the Working Group on the one newly reported case in which it said that, in the past, the subject had twice been denied entry into Greece and had been expelled from the country on several occasions for involvement in international criminal activity. The Government stated that the Italian authorities had returned him to Greece on the Greek ferry, but that no official exit of the person concerned from the ship was recorded and he might have gone ashore before passenger disembarkation control took place. The Government further reported that the competent authorities were conducting an investigation, and any results of their search would be communicated to the source and the subject's family.

Guatemala

157. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Guatemala. During the same period, the Working Group considered five cases clarified on the basis of information previously provided by the Government on which the source had made no observations within the six-month period; in two cases the persons concerned were found living at liberty, and the corpses of three other persons were located. The Working Group also retransmitted to the Government one case, updated with new information from the source.

158. Concerned about the number of disappearances in Guatemala, the Working Group undertook a visit to that country in 1987. The observations included in the 1987 report on that mission (E/CN.4/1988/19/Add.1) referred in particular to the efforts that should be made to improve the functioning of habeas corpus procedures, to protect the life of witnesses, as well as of individuals and members of organizations reporting cases, and to adopt effective measures to prevent and clarify disappearances.

159. The majority of the 3,151 reported cases of disappearance in Guatemala occurred between 1979 and 1986, mainly under military regimes, and in the context of the Government's fight against the Unidad Revolucionaria Nacional Guatemalteca (URNG). The cases have been described in detail in the Group's previous reports.

160. At the forty-eighth session, representatives of the Government of Guatemala met with the Working Group and reiterated their desire to cooperate with the Group; they also requested to be provided with a list of all the outstanding cases and gave the Working Group information on a number of individual cases.

161. During the period under review, the Government provided information on 33 individual cases of disappearance. In a number of cases the Government reported that the persons concerned had been found alive at their homes, according to police registers, but no addresses or dates were provided. Other cases were reported to be under investigation or before the courts.

Observations

162. The Working Group expresses its appreciation for the cooperation of the Government during the period under review. The Working Group is encouraged by the fact that no case of disappearance has been reported as having occurred in 1996.

163. However, regarding the 3,007 outstanding cases, the Working Group reminds the Government that, in accordance with the Declaration, it is the continuous commitment of the Government to conduct investigations "thoroughly and impartially" (art. 13) "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13, para. 6). In addition, it reminds the Government, of the need to improve the functioning of habeas corpus so as to comply with the commitment to guarantee "a prompt and effective judicial remedy" (art. 9) to prevent disappearances.

Guinea

164. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Guinea.

165. The majority of the 28 reported cases in Guinea occurred in 1984 and 1985 in the context of a coup d'état. It may be noted that the Working Group has received no reports of disappearances occurring in Guinea after 1985.

166. During the period under review, no new information was received from the Government with respect to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Haiti

167. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Haiti.

168. The majority of the 48 reported cases of disappearance occurred in three waves during the periods 1981-1985, 1986-1990 and 1991-1993. Most of the cases which occurred during the first period concerned members or supporters of the Haitian Christian Democrat Party who were allegedly arrested by members of the armed forces or by the Tonton Macoutes. The cases that occurred during the second period concerned persons who were reportedly arrested by armed men in civilian clothes, members of the Anti-Gang and Investigation Service, and by the police. The last wave of cases took place in the aftermath of the coup d'état which ousted President Aristide.

169. During the period under review, the Government of Haiti informed the Working Group that with reference to the cases of disappearance which reportedly occurred between 1981 and 1990, when President Aristide assumed his functions as President of Haiti on 7 January 1991, the Government found no political prisoners in Haitian jails and no files relating to the persons reported as disappeared. With regard to the cases which reportedly occurred between 1991 and 1994, following the return to constitutional order on 15 October 1994, the Government found no files relating to the persons who had allegedly disappeared. It stated that all of the documents of the Haitian Armed Forces and of the Front for the Advancement and Progress of Haiti had been sent abroad by the multinational forces. The Government of Haiti, therefore, was unable to report on the fate or whereabouts of the persons reported as disappeared. The Government expressed the hope that the return of these documents would permit it to elucidate the reported cases of disappearance.

170. The Working Group decided to raise the issue of these files with the Special Representative of the Secretary-General for Haiti, in the hope that access to such information may be obtained.

Honduras

171. During the period under review, the Working Group transmitted one new case of disappearance to the Government of Honduras, which reportedly occurred in 1995 and was sent under the urgent action procedure.

172. The majority of the 197 cases of disappearance reported to the Working Group occurred between 1981 and 1984, a period during which members of Battalion 3-16 of the armed forces and heavily armed plain-clothes men seized people perceived as ideological enemies in their homes or on the street and took them to clandestine detention centres. The systematic practice of disappearance ended in 1984, although sporadic cases continued to occur.

173. The newly reported case concerned a person who was allegedly arrested on charges of murder and who is said to have been transferred from a public security force prison to the Central Penitentiary. However, the authorities at the Penitentiary have reportedly denied that the person concerned had been transferred there, and since then his whereabouts have remained unknown.

174. The Working Group was informed that in July 1995 the Special Prosecutor for Human Rights had charged 10 military officers with the attempted murder and unlawful detention of six students in 1982. As far as the Group was informed this year, the judicial proceedings continue.

175. During the period under review, the Government provided the Working Group with a copy of the law establishing the National Human Rights Commission.

Observations

176. The Working Group expresses its appreciation of the decision taken to establish the National Human Rights Commission and encourages the steps taken to prosecute alleged perpetrators of gross human rights violations. Regarding the 129 outstanding cases, the Working Group reminds the Government that, in accordance with the Declaration, it is the continuous commitment of the State to conduct investigations "thoroughly and impartially" (art. 13) "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13, para. 6).

India

177. During the period under review, the Working Group transmitted 23 newly reported cases of disappearance to the Government of India, five of which reportedly occurred in 1996 and were sent under the urgent action procedure. During the same period, the Working Group clarified six cases; three on the basis of information previously submitted by the Government on which no observations had been received from the source; three on the basis of information received from the source in which it was reported that two of the persons concerned had been released and one was found dead. At the same time, the Group retransmitted to the Government six cases updated with new information from the source.

178. A total of 255 cases of disappearance have been transmitted to the Government. The majority occurred between 1983 and 1994 in the context of ethnic and religious disturbances in the Punjab and Kashmir regions. The disappearances in both regions were primarily attributable to the police authorities, the army and paramilitary groups acting in conjunction with, or with the acquiescence of, the armed forces. In Jammu and Kashmir numerous persons are said to have disappeared after "shoot-outs" with security forces. The disappearances were alleged to have been the result of a number of factors related to the wide powers granted to the security forces under emergency legislation, in particular the Terrorist and Disruptive Activities Act (TADA) and the Public Safety Act. In addition to allowing preventive detention, these laws reportedly allowed prolonged detention without the many other safeguards available under the criminal law. The victims have included

shopkeepers, a lawyer who was reportedly well known for defending Sikhs detained in the Punjab, journalists, students and others.

179. Most of the newly reported cases of disappearance occurred in the Punjab and concerned persons who were said to have been arrested by the police. Two cases concerned members of a political opposition party who were reportedly arrested by the Indian Army in Jammu and Kashmir and later released. One case concerned a human rights activist from Jammu and Kashmir, reportedly the Chairman of the Kashmir Commission of Jurists, who was said to have filed a petition in the High Court on behalf of detainees. He is also said to have planned to attend the fifty-first session of the Commission on Human Rights. He was subsequently found dead. Ten cases concerned disappearances which reportedly occurred between 1991 and 1995 in Jammu and Kashmir, and concerned persons from a variety of professional backgrounds who were allegedly arrested by the Special Task Force of the Jammu and Kashmir police, the Border Security Forces or members of the army.

180. According to reports received from non-governmental organizations during the period under review, the situation of human rights in Jammu and Kashmir has worsened. It is alleged that, despite State responsibility under article 2, paragraph 1, of the Declaration, government forces such as the Army, the Federal Security Forces, the Central Reserve Police Force, the Border Security Force and the Special Force, as well as paramilitary forces, are implicated in disappearances and other violations of human rights. It is said that none of the perpetrators has been brought to justice.

181. With regard to the situation of human rights in Punjab, it is alleged that the Punjab police are the main perpetrators of human rights violations and that they act with impunity. In many cases and in violation of article 10 of the Declaration, the police have reportedly not responded to writs of habeas corpus and have failed to produce detainees in court, and even denied their detention. It is further alleged that the Punjab police have secretly cremated hundreds of bodies of individuals who had disappeared following their arrest by the police. Reportedly, the Punjab Police, in violation of article 13 of the Declaration, have subjected to harassment and threats those who file complaints against them in the Supreme Court and High Court. The National Security Act, which is said to permit detention without trial for long periods reportedly facilitates human rights abuses, including disappearances. Concern was expressed that investigations into cases of disappearance are not actively pursued and those responsible are not brought to justice, in violation of article 14 of the Declaration.

182. During the period under review, the Government submitted information to the Working Group on 15 individual cases. With regard to 10 cases, the Government reported that the Commission on Inquiry had not found sufficient evidence to prove that the police had arrested these persons. In two cases the Government reported that the persons concerned had been killed in a confrontation with the police. In one case, it was reported that the matter was pending before the court; in another case the person concerned was being held on criminal charges in judicial custody, and in one case, although the subject had not been found in detention, according to the investigation which had been carried out, officials of the Punjab police department had been involved in that person's abduction and they were being prosecuted.

183. With regard to the information of a general nature submitted to the Government concerning Jammu and Kashmir, the Government stated: "the allegations received by the Working Group are a distortion of the facts. Allegations that the situation has deteriorated are without substance. Contrary to the allegations, the situation in the State of Jammu and Kashmir has undergone a radical change for the better. The human rights situation has been improving steadily and the State ... enjoys a popular Government elected through free and fair polls". Allegations that violations of human rights had been committed by the security forces were immediately investigated and so far some 272 security personnel had been punished.

184. With respect to Punjab, the Government stated that the Supreme Court has received a writ petition alleging that the Punjab police had secretly cremated hundreds of bodies. Consequently, this matter was under investigation by the Central Bureau of Investigation (CBI) on orders of the Supreme Court and the CBI had submitted an interim report in that regard. The National Security Act was implemented in periods of crisis in order to protect the citizens against terrorism. However, there were safeguards against its misuse. The State government was required to be informed of the detention without delay and the concerned government had to confirm the detention order, and if the grounds were considered to be insufficient, the detention order was immediately revoked. When the detention order had been confirmed by the State government, the order and details must also be presented within three weeks to an advisory board chaired by a sitting judge of the High Court for its reconfirmation. The Advisory Board is required to make its recommendation within seven weeks from the date of the order of detention, after considering the information received and supplementary information when necessary, and also hearing the detainee in person.

185. The Government also provided detailed statistical information on action taken against security force personnel for excesses on terrorist violence and on other related subjects.

Observations

186. The Working Group wishes to again express its appreciation to the Government of India for the information which it has provided.

187. Nevertheless, it remains concerned at the increase in reported cases of disappearance, particularly in the Punjab and Kashmir regions. It wishes to remind the Government of its responsibility under the Declaration to prevent enforced disappearances. In particular, in accordance with article 10.1, any person deprived of liberty shall be held in an officially recognized place of detention and shall be brought before a judicial authority promptly after detention. The National Security Act, which permits detention without trial for extended periods, is not in conformity with this provision and thereby facilitates enforced disappearances and other human rights violations.

188. With respect to allegations that persons who file complaints against members of the security forces in cases of disappearance are subjected to harassment, the Working Group reminds the Government of its commitment under article 13.5 to punish those responsible appropriately. In addition, all

persons alleged to have perpetrated an act of enforced disappearance should be brought to justice, in accordance with article 14.

189. The Working Group, while taking into account the legitimacy of derogating from some human rights commitments, in accordance with international law, during public emergencies, nevertheless wishes to stress that pursuant to article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances.

Indonesia

190. During the period under review, the Working Group transmitted 10 newly reported cases of disappearance, nine of which are said to have occurred in 1996, to the Government of Indonesia; eight of these cases were sent under the urgent action procedure. During the same period, the Working Group clarified one case on the basis of information submitted by the Government in which it was reported that the subject had been arrested by police officers with a warrant on charges of fund-raising for an armed separatist group, but subsequently released for lack of evidence.

191. The majority of the 428 cases of reported disappearance occurred in 1992 following the incident at the Santa Cruz cemetery in Dili, East Timor, where, on 12 November 1991, security forces opened fire on peaceful demonstrators during a memorial service for two youths who had been killed in a clash with the police. Over 200 persons are alleged to have disappeared on or shortly after 12 November 1991.

192. All of the newly reported cases occurred in East Timor. The one clarified case occurred in December 1995 and concerned a person arrested in Surabaya and subsequently released, as described above. Two of the cases reportedly occurred in Welaluho in February 1996; one of the persons concerned allegedly was arrested by the police and the other by the military. The latter was reported to have been tortured. The third case concerned a subject who was allegedly arrested by the Territorial Battalion on charges that he had organized and mobilized young people and participated in the demonstration at the Santa Cruz cemetery on 12 November 1991. The fourth case concerns the wife of a commander of the Timorese Resistance (Falintil) and her four children, who had allegedly been arrested by the security forces (Babinsa) in Nunuhou village of Hatuquessi, Liquica district. The remaining case concerns a 17-year-old student who allegedly disappeared on 14 July 1996 in Gleno in the Ermera district of East Timor after soldiers carried out house to house raids searching for those responsible for a fire set the same evening at the Gleno market; an eyewitness reported that the student was taken away in a military jeep by soldiers.

193. During the period under review, the Government provided replies on nine individual cases. In the clarified case and in one other case, the Government reported that the subjects had been arrested, but each had been released at a later date and had returned to their normal daily activities. In two cases, one of which involved five members of a single family, the Government reported that the individuals had been summoned by the police for questioning or identification of a family member, but all the individuals had been allowed to return home on the same date. In the final case, the Government reported that

the subject had never been arrested, nor had he ever been involved in criminal acts or civil suits.

Observations

194. The Working Group wishes to express its appreciation to the Government of Indonesia for the replies which it has submitted to the Group on individual cases.

195. Nevertheless, it is particularly concerned at the increase in cases of disappearance which reportedly occurred in 1996 in East Timor. It reminds the Government of its commitment under article 3 of the Declaration to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. In particular, any person deprived of liberty, in accordance with article 10, shall be held in an officially recognized place of detention and be brought before a judicial authority promptly after detention.

Iran (Islamic Republic of)

196. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Islamic Republic of Iran. During the same period, the Working Group clarified 12 cases, 11 on the basis of information previously provided by the Government on which no observations were received from the source within a period of six months, and one on the basis of information provided by the source in which it was reported that the subject had been released. The Working Group also retransmitted to the Government 46 cases updated with new information from the source.

197. The majority of the 509 cases of reported disappearance occurred between 1981 and 1989. Some of the missing persons were reportedly arrested and imprisoned for their alleged membership in armed opposition groups.

198. During the period under review, the Government provided information on 37 individual cases. In one case it reported that the person concerned had been imprisoned, later pardoned and released. In some of the other cases, the Government requested further information on the subject. The Working Group informed the Government that while it would request such information from the source, all cases had met the Group's criteria for transmittal. With regard to the other replies, the Working Group considered that they were insufficient to constitute a clarification.

Observations

199. The Working Group wishes to express its appreciation to the Government for the information which it has provided on a number of individual cases. Such information should, however, be based on a thorough investigation by the competent authorities in accordance with article 13 of the Declaration, so that the Working Group and the families can determine the fate and whereabouts of the person concerned.

200. The Working Group also wishes to remind the Government of its commitment, under article 14 of the Declaration, to bring to justice all persons presumed responsible for an act of enforced disappearance.

Iraq

201. During the period under review, the Working Group transmitted a total of 198 newly reported cases of disappearance to the Government of Iraq, eight of which reportedly occurred in 1996. Four of these cases were sent under the urgent action procedure. The Working Group also clarified six cases, based on information provided by the source in which it was reported that the persons concerned had been released, and retransmitted 11 cases to the Government updated with new information from the source.

202. The great majority of the 16,329 cases of disappearance reported to have occurred in Iraq concern persons of the Kurdish ethnic group who allegedly disappeared in 1988. A significant number of other cases concern ethnic Arabs of the Shi'a faith who are reported to have disappeared in the late 1970s and early 1980s in the course of the expulsion of their families to the Islamic Republic of Iran on the allegation that they were of "Persian ancestry".

203. While most of the cases transmitted in 1996 are said to have occurred in the early 1980s and 1990s and concerned ethnic Arabs and Kurds of the Shi'a faith in the same circumstances as described above, four of the newly reported cases are said to have occurred in 1995 and eight in 1996. These cases reportedly included government officials who were allegedly suspected of trying to locate the whereabouts of persons who disappeared during the Gulf War; persons who openly expressed opposition to government actions in quelling the Al-Ramadi uprising in 1995, and those who supported newly established parties engaged in Islamic activity. One case concerned a young man of both Iraqi and British citizenship reportedly arrested by Al-Mokhabarat (security intelligence forces) in 1995 in connection with the activities of his father, who was Under-Secretary of the Ministry of Oil before his execution in 1966. The disappeared persons are said to include officers of Al-Mukhabarat and Estikhbarat (military intelligence), imams, a policeman, a general in the Iraqi army and a college graduate. Most of the disappearances reportedly occurred in Baghdad and Al-Ramadi.

204. The four urgent actions cases reported to have occurred in 1996 concern a medical professor from the University of Baghdad and his son, who is an engineering student, and two Shari'a law professors from the same university. It is alleged that they were arrested by Al-Mokhabarat for islamic activity and membership in an islamic party.

205. During the course of 1996, information concerning developments in Iraq having an influence on the phenomenon of disappearances and the implementation of the Declaration was received from non-governmental organizations. According to the organizations, disappearances continue to be carried out in the Iraqi capital, Baghdad, and in other areas of the country, including the southern marsh area. A number of disappearances reportedly occurred in Samara in May 1995 following the defection of Lieutenant General Kamel to Jordan. Other persons are reported to have been detained on the basis of their

political affiliations and their whereabouts remain unknown. Their families are said to be unable to take steps to report the disappearances or to resort to domestic remedies for fear of reprisal by the Government. Profound concern has again been expressed to the Group over the huge number of disappearances in Iraq which remain unresolved, and the total impunity with which the perpetrators are able to act.

206. During the period under review, the Government provided information on 32 individual cases in which it reported the addresses of the persons concerned in 31 cases and said that one person had left for the Islamic Republic of Iran. With regard to the 31 cases, the Working Group wrote directly to the individuals concerned. In 10 cases, the letters were returned by the Iraqi post office marked "address incorrect" or "person unknown". In no case was any response received from the individuals concerned.

Observations

207. The Working Group remains extremely concerned at the fact that Iraq is still the country with the most cases of disappearance reported to it and the country to which the Working Group transmitted the highest number of new cases this year. These include cases which allegedly occurred in 1996.

208. The Working Group wishes to stress again the commitment of the Government of Iraq under the Declaration to prevent, terminate and punish all acts of enforced disappearance. In particular, all relevant complaints shall be thoroughly investigated by the competent authority in accordance with article 13 and all persons presumed responsible shall be brought to justice under article 14. The total impunity with which the perpetrators of the crime of enforced disappearance seem to be able to act is conducive to a climate in which enforced disappearance can easily occur.

209. While noting the replies of the Government on individual cases, the Working Group expresses its astonishment at the fact that the Iraqi post office was unable to find the persons whose addresses the Government had provided. In this respect, the Working Group regrets that the Government of Iraq has not yet replied to its letter of 21 July 1995 proposing a visit to the country in order to assist the Government in its efforts to clarify the whereabouts of 16,329 cases of disappearance.

Israel

210. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Israel.

211. Of the two cases which remain pending, one reportedly occurred in 1992 in Jerusalem, and concerns a man who allegedly did not return home from work. He is believed to be detained in a prison in Tel Aviv. The other case concerns a Palestinian who was reportedly arrested in 1971 on the day a bomb had exploded in Gaza. Although he was allegedly seen in detention, his whereabouts remain unknown.

212. During the period under review, no new information was received from the Government of Israel with respect to either of these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Kuwait

213. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Kuwait. The one outstanding case, which was submitted in 1993 by a relative of the victim, concerns a so-called "bedouin" of Palestinian origin with a Jordanian passport. After the retreat of the Iraqi forces from Kuwait in 1991, the subject was allegedly arrested and is said to be currently detained by the Kuwaiti Secret Police.

214. During the period under review, the Government informed the Working Group of the details of the investigations undertaken by the authorities into the circumstances of the disappearance of the subject. However, his whereabouts remain unknown.

215. During its forty-eighth session, in June 1996, the Working Group met with representatives of the Government of Kuwait, who reaffirmed their resolve to pursue the investigation until its successful conclusion.

Lao People's Democratic Republic

216. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Lao People's Democratic Republic.

217. The one outstanding case, which reportedly occurred in 1993, concerns the leader of the repatriation groups returning to the Lao People's Democratic Republic, who reportedly left his residence with an official of the Department of the Interior to go to that Department to discuss a future home for the returning groups. Since then his whereabouts have remained unknown.

218. During the same period, the Government again replied to the Working Group concerning the one outstanding case of disappearance, in which it advanced several possibilities concerning the subject's disappearance. As in the past, the Government reported that a thorough investigation into the circumstances of the disappearance of the person concerned had been undertaken. However, his whereabouts remain unknown.

Lebanon

219. During the period under review, the Working Group transmitted seven newly reported cases of disappearance to the Government of Lebanon.

220. The majority of the 279 cases of disappearance reported to the Working Group in the past occurred in 1982 and 1983 in the context of the Lebanese civil war. Those responsible for the disappearances are said to have belonged to the Phalangist militia, the Lebanese army or its security forces; in some cases, the Israeli army was also reportedly involved in the arrests, together

with one of the other forces mentioned above. Most of the detentions occurred in Beirut and its suburbs. Certain reports indicated that the arrests were made by armed men in civilian clothes operating from vehicles. In a number of cases, the missing person was reportedly arrested and taken away from the Sabra and Chatila camps in September 1982. In some cases which reportedly occurred in 1984, 1985 and 1987, the arrested persons were foreign nationals who were abducted in Beirut. In some of these cases, religious groups such as the "Islamic Holy War" later claimed responsibility for the abductions.

221. Most of the cases submitted to the Working Group in 1996 also occurred in the context of the Lebanese civil war, as described in the above paragraph. In a few cases, including two cases which occurred in 1990, the missing persons were reportedly arrested by members of the Syrian army or security services at check-points, before being transferred to and detained in the Syrian Arab Republic.

222. During the period under review, the Government of Lebanon provided information on one case of disappearance in which it reported that the person concerned had been charged with terrorist operations, attempt to commit murder and conspiring with the enemy, and that his case was before the Military Tribunal on 4 November 1996.

223. During the same period, the Government of the Syrian Arab Republic provided information on two cases of disappearance which reportedly occurred in Lebanon, but in which Syrian forces were implicated. In accordance with the methods of work, of the Working Group, since the cases occurred in Lebanon, they appear in the statistics of Lebanon, but as Syrian forces were alleged to be involved, copies were sent to the Government of Syria. The Government of Syria reported that in one case the person concerned had been released and in the other the person had been detained on charges of espionage, tried and sentenced to life imprisonment.

Observations

224. The Working Group appreciates the information provided by the Government of Lebanon on one of the outstanding cases. Nevertheless, it wishes to remind the Government of its commitment under articles 13 and 14 of the Declaration to investigate thoroughly all cases of enforced disappearance and to bring the perpetrators to justice.

225. The Working Group, while taking into account the legitimacy of derogating from some human rights commitments, in accordance with international law, in times of public emergency, wishes to remind the Government that, under article 7, no circumstances whatsoever may be invoked to justify enforced disappearance.

Libyan Arab Jamahiriya

226. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Libyan Arab Jamahiriya. The one outstanding case, transmitted in 1994, concerns a Sudanese translator at the International Centre of Research of the Green Book in Tripoli, who reportedly disappeared in 1993.

227. To date, no response has ever been received from the Government concerning this case. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared person.

Mauritania

228. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Mauritania.

229. The one outstanding case reportedly occurred in 1990 and concerned a 21-year-old man who is said to have been taken by members of the National Guard in a village in southern Mauritania during a nightly curfew. Reportedly, at that time, many people belonging to the Hal-Pulaar ethnic group in the south of the country were subjected to human rights violations, allegedly carried out by government forces and the Haratine militia.

230. During the period under review, no new information was received from the Government with regard to the outstanding case. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Mexico

231. During the period under review, the Working Group transmitted five newly reported cases of disappearance to the Government of Mexico, all of which occurred in 1996 and were sent under the urgent action procedure. During the same period, the Working Group clarified 10 cases on the basis of information previously provided by the Government on which the source had not made observations within six months, and one case on the basis of the information provided by the source in which it was reported that the person concerned had been released. The Working Group also retransmitted to the Government 20 cases which had been updated with new information provided by the source.

232. The majority of the 319 reported cases of disappearance in Mexico occurred between 1974 and 1981. Ninety-eight of these cases took place in the context of the rural guerrilla warfare which was waged in the mountains and villages of the state of Guerrero during the 1970s and the beginning of the 1980s. Twenty-one other cases occurred in 1995, mostly in the states of Chiapas and Veracruz; the majority of these persons were members of several Indian, peasant and political organizations.

233. Four of the newly reported cases of disappearance occurred in the state of Guerrero and one in Sinaloa; the victims included two teachers, two peasants and a businessman. Those allegedly responsible are said to have been members of the security forces, army or plainclothed agents. One of these cases was clarified when the source reported that the person concerned had been released.

234. During its forty-ninth session, the Working Group met with representatives of the Mexican National Commission for Human Rights, who gave an account of the activities of its Special Programme on Alleged Disappearances and provided extensive information on individual cases.

235. During the period under review, the Government provided information on 17 cases of disappearance; in 11 cases, it reported that the persons concerned were found alive and living at liberty; in two cases, the persons concerned had not been arrested; and in four cases the investigations were continuing. The Government also requested to know if there had been any reaction from the source to its earlier replies on 13 other cases, and in one case asked for additional information from the source.

Observations

236. The Working Group expresses its appreciation for the cooperation received from the Government of Mexico during the period under review and for the positive results achieved by the investigations of the National Commission of Human Rights, which have helped to clarify nine cases. However, considering the fact that new cases continue to be reported, it is necessary to stress the urgency of taking, in accordance with the Declaration "effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance" (art. 3).

237. The Working Group wishes to stress the need for more effective measures to clarify the so-called "old cases" which occurred in the 1970s and reminds the Government of Mexico of its continuous commitment to conduct investigations "thoroughly and impartially" (art. 13) "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13, para.6).

Morocco

238. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Morocco. During the same period, the Working Group clarified 14 cases on the basis of information previously provided by the Government on which no observations were received by the source within six months. It also deleted one case from its files which was found to be a duplication.

239. The majority of the 232 cases of disappearance transmitted to the Government were reported to have occurred between 1972 and 1980 and during the 1980s. Most of them concerned persons of Saharan origin who were reported to have disappeared in territories under the control of the Moroccan forces, because they or their relatives were known or suspected supporters of the Polisario Front. Students and better educated Saharans were reported to have been particularly targeted. In some instances, disappearances allegedly followed mass arrests after demonstrations or before visits of prominent persons or officials from other countries.

240. Disappeared persons were reported to have been confined in secret detention centres, such as Laayoune, Qal'at M'gouna, Agdz and Tazmamart. Cells in some police stations or military barracks and secret villas in the Rabat suburbs were also allegedly used to hide the disappeared. Despite the release in 1991 of a large group of disappeared prisoners, several hundred other Western Saharans are said to remain unaccounted for and their families are reportedly still pursuing their inquiries with the Moroccan authorities and detention centres.

241. According to information brought to the attention of the Working Group by non-governmental organizations, despite the release in 1991 from secret detention centres of more than 300 missing persons, among them a certain number of people of Saharan origin, the Moroccan authorities continue to deny all knowledge of hundreds of other disappeared persons who remain unaccounted for. Families are said still to be unable to obtain any information on the fate and whereabouts of their disappeared relatives, some of whom have reportedly been missing for some 20 years.

242. It is alleged that some of these persons were extrajudicially executed soon after arrest, and that others died in secret detention. The organizations call for their fate to be determined and their families compensated, in accordance with articles 13.6 and 19 of the Declaration. It is said that the deaths of those who disappeared have never been officially acknowledged by the Moroccan authorities, and no investigation has been carried out in order to bring to justice those responsible for their disappearance and death, in accordance with article 14 of the Declaration. Nor have the families of the victims received any compensation or been able to determine where their relatives are buried.

243. It is further alleged that restrictions on the right to freedom of expression, association and movement have been placed on many of the former disappeared who were released in 1991 and that some of them have even been rearrested and again held in secret detention, often for prolonged periods. Their families are said to have been unable to obtain any information on their whereabouts during their secret detention, in violation of article 10 of the Declaration.

244. During the period under review, the Government provided information to the Working Group on 41 individual cases: in 28 cases it reported that the persons concerned were free; in six cases the persons had never been arrested; in five cases the persons were detained; one person had left the country and another case was a duplicate. The Government also requested the Working Group to submit to it more detailed information on the outstanding cases of disappearance, including the names of the tribe, the group and the sub-group of the tribe to which the persons belong. In its reply to the Government, the Working Group stated that it would transmit the request of the Moroccan authorities to the sources concerned; however, all the cases submitted to the Government contained the necessary elements required by the Working Group for transmission, in accordance with its methods of work. Therefore, it was still the responsibility of the Government to pursue its efforts to elucidate the outstanding cases.

245. During an exchange of views with the Working Group at its fiftieth session, representatives of the Government of Morocco reiterated their willingness and determination to make every possible effort to elucidate the fate of the persons still considered as disappeared. Investigations were being conducted on all the outstanding cases. The representatives of the Government reiterated that they faced certain constraints because the transcription of names did not always provide the complete data on the family background of the missing person.

Observations

246. The Working Group wishes to express its appreciation to the Government for sending representatives to the Group's fiftieth session and for its continued efforts to clarify the outstanding cases of disappeaarance. It again wishes to remind the Government, however, that, under article 4 of the Declaration, the very act of enforced disappearance should be made an offence under criminal law.

247. Furthermore, under articles 13.6 and 19 of the Declaration, investigations must continue even in very old cases "for as long as the fate of the victim of enforced disappearance remains unclarified" and in such cases the families "shall have the right to adequate compensation, including the means for as complete rehabilitation as possible".

248. The Working Group would also remind the Government of its responsibilities, under article 14 of the Declaration, to bring to justice all persons presumed responsible for an act of enforced disappearance.

Mozambique

249. During the period under review, the Working Group transmitted one newly reported case of disappearance to the Government of Mozambique.

250. The one previously reported case occurred in November 1974 and concerned a doctor who was said to have been arrested in 1974 in a hotel in Blantyre, Malawi, and to have been taken first to Mozambique and then to the southern part of the United Republic of Tanzania. It was believed that he was then transferred to Niassa province, Mozambique.

251. The newly reported case allegedly occurred in 1974 and concerned a doctor who is said to have been arrested at his home in Matola and imprisoned at the headquarters of Frelimo troops in Boane, and later in Maputo. Despite their efforts, his family have been unable to determine his whereabouts.

252. Although a number of reminders have been sent, no information has ever been received from the Government of Mozambique with regard to the one previously reported case. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared person. With regard to the newly reported case, as it was examined by the Group at its third annual session and only transmitted to the Government on 11 December 1996, no information was expected from the Government on this case prior to the adoption of the present report.

Nepal

253. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Nepal.

254. Four of the five outstanding cases of disappearance reported to the Working Group occurred in 1985 and concern four men who reportedly disappeared from police custody in 1985. In late 1984, a series of nation-wide political protests started in Nepal. In June 1985, following bomb explosions in

Kathmandu and other cities, numerous persons were reportedly arrested and some of them were allegedly held in incommunicado detention for several months. The one other case of reported disappearance pending with the Working Group is said to have occurred in 1993 and concerns a student who allegedly disappeared in Kathmandu.

255. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Nicaragua

256. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Nicaragua.

257. Of the 234 cases reported to the Working Group, 131 have been clarified. Most of these cases occurred between 1979 and 1983, in the context of the internal armed conflict during the 1980s. Many of the reports of these disappearances pointed to the involvement of members of the army, the former Sandinistas, the former General Directorate for the Security of the State and the Frontier Guard. Two cases, however, reportedly occurred in 1994: one concerned a farmer who was allegedly detained by a group composed of members of the army and the police, and the other concerned a person allegedly accused of being a member of the Recontras armed group.

258. During the period under review, no information was received by the Working Group from the Government concerning the outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

Observations

259. The Working Group regrets the repeated lack of communication from the Government of Nicaragua regarding the outstanding cases. The Working Group wishes to stress the need to improve cooperation and to remind the Government that there are 103 outstanding cases regarding which it has a continuous commitment to conduct investigations "thoroughly and impartially" (art. 13) "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13, para. 6).

Pakistan*

260. During the period under review, the Working Group transmitted seven newly reported cases of disappearance to the Government of Pakistan, four of which reportedly occurred in 1996. All the cases were sent under the urgent

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* Mr. Agha Hilaly did not participate in the decisions relating to this subsection of the report.

action procedure. During the same period, the Working Group clarified three of these cases when the source reported that the persons concerned had been released. The Working Group also retransmitted four cases to the Government, updated with new information from the source.

261. The majority of the 60 cases of disappearance reported to the Working Group concerned members or sympathizers of the political party Muhajir Qaomi Movement (MQM), who were allegedly arrested in Karachi by the police or security forces during May and June 1995. Most of the other reported cases allegedly occurred in 1986 and between 1989 and 1991, and concerned persons of Afghan nationality with refugee status in Pakistan, most of whom were said to be affiliated with the Harakate Ingilaba Islami party of Afghanistan. The abductions reportedly took place in Peshawar, North-West Frontier Province, by persons belonging to a rival party, the Hezb-e-Islami Afghanistan, which was alleged to be acting with the acquiescence of the Pakistani authorities.

262. Of the newly reported cases, three concerned brothers who were former members of the MQM and who were reportedly abducted from their home in Karachi by the paramilitary Rangers. These cases were clarified by the Working Group when the source reported their release. The other newly reported cases concerned the disappearance of four members of the same family, who are said to have been abducted from their home in Islamabad by agents of the military intelligence.

263. According to information received from non-governmental organizations, law enforcement personnel such as the Inter-Service Intelligence and the police arrest opponents of the Government without respecting the legal requirements for arrest and detention. Some of the people considered as disappeared are allegedly held in unacknowledged detention, in violation of article 10 of the Declaration. It is reported that the paramilitary Rangers, with the acquiescence of the security forces, have demanded up to 200,000 rupees from the families before disclosing information on the fate of their disappeared relatives. It is also reported that police officials, in violation of article 13, paragraph 3 of the Declaration, threaten and harass family members who file complaints or habeas corpus writs with the judiciary.

264. It is reported that, regardless of the State's responsibility under article 14 of the Declaration perpetrators act and operate with impunity, and that no charges are being brought against them.

265. During the period under review, the Government of Pakistan informed the Working Group that the concerned authorities were undertaking investigations to determine the fate of the disappeared persons. The Government provided information on four individual cases; in three cases it reported that no First Information Report (FIR) had been lodged with the local police and that it was very difficult for the Government to ascertain at which location the disappearance had occurred. However, investigations had been initiated by the authorities with a view to locating the disappeared persons. In one case the Government reported that the person concerned had never been arrested nor detained by the police.

Observations

266. The Working Group remains concerned at continued reports of recent cases of disappearance, in particular of members or sympathizers of the MQM.

267. It wishes to remind the Government of Pakistan of its commitment under article 10 of the Declaration to hold detainees only in officially recognized places of detention and to bring alleged perpetrators of enforced disappearances to justice in accordance with article 14. In addition, steps should be taken pursuant to article 13.3 to protect family members who file complaints regarding cases of disappearance against ill-treatment, intimidation or reprisal.

Paraguay

268. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Paraguay.

269. Of the 23 cases transmitted by the Working Group to the Government, 20 have been clarified. All of these cases occurred between 1975 and 1977 under the military Government. It should be noted that the Group has received no reports of disappearances occurring in Paraguay since 1977. Several of the persons concerned were members of the Communist party, including one who was secretary-general of the party. Although disappearances took place in the capital, Asuncion, the majority of the cases affected the rural population and were carried out in the districts of San Jose, Santa Helena, Piribebuy, Santa Elena and Santa Rosa.

270. During the period under review, the Government informed the Working Group of the on-going efforts to investigate the three remaining cases of disappearance. It also informed the Group that "the political will exists" to make sure that crimes such as disappearance, murder and torture did not go unpunished. To that end, in 1995 the Office of the Ombudsman had been established and, on 21 November 1995, the Executive had promulgated Act No. 838 regarding compensation for victims of human rights violations during the period from 1954 to 1989. In addition, "Act. No. 933, dated 13 August 1996, approved the Inter-American Convention on Forced Disappearance of Persons, and Act No. 913 authorized the Executive to declare that it recognizes the compulsory jurisdiction of the International Court of Justice. All these acts are intended to guarantee fully the rule of law in the Republic of Paraguay".

271. The Government further stated that, "with regard to safeguards for the prevention of enforced disappearances and eventual punishment of those responsible, the system of justice plays a fundamental role. It has the task of identifying those responsible and of ensuring that they do not go unpunished. Due process safeguards in accord with the international principles recognized by Paraguay have been embodied and brought up to date in the new Constitution".

Peru**

272. During the period under review, the Working Group transmitted 122 newly reported cases of disappearance to the Government of Peru, one of which reportedly occurred in 1996 and was sent under the urgent action procedure. During the same period, the Working Group clarified four cases on the basis of information previously provided by the Government on which no observations had been received from the source within a period of six months. In accordance with its methods of work, the Group retransmitted to the Government 13 cases, updated with new information from the source.

273. The Working Group also received allegations of disappearances imputed to insurgent groups. However, in accordance with the definition of disappearances in the preamble of the Declaration and the Group's methods of work, the Group does not consider cases of abductions which are not directly or indirectly attributable to a Government.

274. The vast majority of the 3,001 cases of reported disappearances in Peru occurred between 1983 and 1992 in the context of the Government's fight against terrorism, especially Sendero Luminoso (Shining Path). In late 1982, the armed forces and police undertook a counter insurgency campaign and the armed forces were granted a great deal of latitude in fighting Sendero Luminoso and in restoring public order. While the majority of reported disappearances took place in areas of the country in which a state of emergency was in force and which were under military control, in particular the regions of Ayacucho, Huancavelica, San Martin and Apurimac, disappearances also took place in other parts of Peru. Detentions were reportedly frequently carried out openly by uniformed members of the armed forces, sometimes together with the Civil Defence Groups. Some 20 other cases reportedly occurred in 1993 in the department of Ucayli and concerned largely the disappearance of peasants.

275. Out of concern at the situation of disappearances in Peru, two members of the Working Group, at the invitation of the Government, visited Peru from 17 to 22 June 1985 and again from 3 to 10 October 1986, on the Group's behalf. Their reports are contained in documents E/CN.4/1987/15/Add.1.

276. Of the newly reported cases, only one is said to have occurred in 1996; it concerned a 27-year old domestic employee who was reportedly detained by the army in Huanuco. The 121 other cases allegedly took place between 1989 and 1995, mostly in Ucayali, and were imputed to members of the navy or the army.

** Mr. Diego Garcia-Sayan did not participate in the decisions relating to this subsection of the report.

277. During the period under review, concern was expressed to the Working Group that the adoption last year of the amnesty law, which granted a general amnesty to all those members of the security forces and civilians who were the subject of a complaint, investigation, indictment, trial or conviction, or who were serving prison sentences, for human rights violations committed between May 1980 and 15 June 1995, has resulted in total impunity for the perpetrators of disappearance and other human rights violations. In contravention of the Declaration, all investigations into outstanding cases of disappearance have been closed. It is said that efforts by human rights organizations to seek a repeal of the articles of the amnesty law granting a pardon to human rights violators and the law prohibiting judges from deciding on the legality or applicability of the amnesty law have resulted in death threats against some members of these organizations.

278. It was further alleged that, although the number of disappearances in Peru has decreased, cases reportedly still occur and the National Registry of Detainees is said to be ineffective in preventing such disappearances.

279. With respect to the armed opposition movement, Shining Path, it was alleged that in addition to carrying out armed operations against the security forces, its members have been responsible for thousands of civilian deaths and have subjected their captives to torture. The Movimiento Revolucionario de Tupac Amaru (MRTA) is also said to have engaged in similar abuses.

280. During the period under review, the Government of Peru replied concerning one individual case, reporting that the person concerned had not been arrested, had not left the country and was not detained in any penal establishment. In addition, the Government informed the Group of the appointment of Mr. Jorge Santistevan as Ombudsman.

Observations

281. The Working Group wishes to reiterate its opinion that the amnesty law of 28 June 1995, which resulted in the closing of all investigations into outstanding cases of disappearance, violates articles 17 and 18 of the Declaration. It creates an atmosphere of impunity which is conducive to further acts of disappearance and other similar human rights violations. In this context, the Working Group reminds the Government of Peru that its commitment to carry out thorough and impartial investigations, in accordance with article 13.6, remains for as long as the fate and whereabouts of the victims of enforced disappearances remain unclarified.

Philippines

282. During the period under review, the Working Group transmitted two newly reported cases of disappearance to the Government of the Philippines, one of which reportedly occurred in 1996 and was sent under the urgent action procedure. During the same period, the Working Group clarified 13 cases on the basis of information previously provided by the Government on which no observations had been received from the source within a period of six months. The Working Group also retransmitted nine cases to the Government, updated with new information from the source.

283. The majority of the 649 reported cases of disappearance occurred in the late 1970s and early 1980s, virtually throughout the country, and took place within the context of the Government's anti-insurgency campaign.

284. During the period 1975-1980, the persons who disappeared were reportedly farmers, students, social workers, members of church groups, lawyers, journalists and economists, among others. The arrests were carried out by armed men belonging to an identified military organization or to a police unit such as the Philippine Constabulary, the Central Intelligence Unit, the military police and other organizations. In the following years, the reported cases of disappearance concerned young men living in rural and urban areas, described as members of legally constituted student, labour, religious, political or human rights organizations, which the military authorities have claimed are a front for the outlawed Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). Among the groups most commonly targeted were said to be KADENA (Youth for Democracy and Nationalism) and the National Federation of Sugar Workers.

285. Despite the peace talks initiated by the Government with several opposition movements, disappearances have continued in the 1990s, mainly in the context of action by the security forces against the NPA, the Moro National Liberation Front, the Mindanao Islamic Liberation Front, the Citizen Armed Forces Geographical Units and the Civilian Volunteer Organizations.

286. Out of concern at the situation of disappearances in the Philippines, and at the invitation of the Government, two members of the Working Group visited the country from 27 August to 7 September 1990. A full report on their visit is contained in document E/CN.4/1991/20/Add.1.

287. The two cases transmitted in 1996 are said to have occurred in Mindanao and Misamis Oriental. They concern a health worker who reportedly disappeared two days after attending a meeting of local non-governmental organizations in Mindanao, and a farmer who was allegedly arrested while traveling in an area where the Filipino army is said to have been conducting military operations against suspected NPA rebels.

288. During the period under review, concern was expressed to the Working Group by non-governmental organizations over the lack of progress in determining the fate of those who have disappeared in the Philippines and in bringing the perpetrators to justice. Failure to prosecute those responsible for disappearances is said to undermine public confidence in the legal system and weaken judicial deterrents against further disappearances.

289. It was also alleged that the responsibilities of the various investigative and prosecuting agencies are unclear, with the result that these agencies frequently fail to take full responsibility for cases, preferring to pass them over to another agency for resolution. Witnesses and complainants involved in human rights cases are said to be subjected to intimidation and are consequently afraid to come forward for fear of reprisals. It was further reported that while the number of disappearances has reportedly declined, they continue to occur. Concern was expressed at the Government's failure to address conditions which still allow disappearances to take place periodically. Non-governmental organizations have reportedly called upon the

Government to undertake a thorough investigation into all cases of disappearance in order to determine the fate and whereabouts of the persons concerned and to bring the perpetrators to justice and compensate the families in accordance with the Declaration. They have also reportedly called for the Task Force on Disappearance to be abolished, as it has allegedly not produced any of the expected results.

290. The non-governmental organizations also informed the Working Group of their efforts to have the provisions of the Declaration incorporated in Filipino law; efforts which the Working Group fully supports. Efforts by the organizations to have the bodies of persons believed to have disappeared exhumed is said to have led to the successful identification of several such persons. Such efforts are reportedly continuing throughout the country, pending the permission of the families and the government agencies concerned. The non-governmental organizations also informed the Working Group that they were seriously contemplating filing cases before the courts and were in the process of investigating the establishment of witness protection programmes and sharing experience in forensic medicine. Concern was further expressed to the Working Group that recommendations it made to the Government of the Philippines in 1991 regarding human rights have yet to be implemented.

291. During the period under review, no new information was received by the Working Group from the Government concerning the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

292. The Working Group regrets the lack of communication from the Government of the Philippines regarding the outstanding cases and the lack of follow-up to the recommendations made in 1991 by the Group in the report that followed its visit to the Philippines. The Working Group wishes to stress the need to improve cooperation and to remind the Government that there are 496 outstanding cases. In accordance with the Declaration, the Government has a continuous commitment to conduct investigations "thoroughly and impartially" (art. 13) "for as long as the fate of the victim of enforced disappearance remains unclarified" (art. 13, para. 6).

293. The Working Group also wishes to remind the Government of the need to "take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance" (art. 3). The Working Group emphasizes the urgency of ensuring "prompt and effective judicial remedy" (art. 9) as a means of preventing disappearances and urges the Philippine authorities to do everything in their power to ensure the safety of relatives and witnesses (art. 13, para. 3).

Russian Federation

294. During the period under review, the Working Group transmitted, for the first time, 160 cases of disappearance to the Government of the Russian Federation, two of which reportedly occurred in 1996 and were transmitted under the urgent action procedure.

295. The two cases which allegedly occurred in 1996 concern ethnic Chechens who are said to have been arrested by OMON, the Special Forces of the Russian Ministry of the Interior during an early morning raid on the settlement of Dolinskoye, some 20 km. west of Grozny in August 1996. One hundred and fifty other cases concerned persons of ethnic Ingush origin who reportedly disappeared in 1992 during the fighting between the ethnic Ossetians and the Ingush. Eight other cases concerned persons who reportedly disappeared in 1994 in the Ingush Republic. The North Ossetian forces are said to have acted with the acquiescence of OMON.

296. During the period under review, the Government informed the Working Group that, "between 30 October and 6 November 1992, a conflict occurred in the Prigorodny district and in part of the town of Vladikavkaz in North Ossetia as a result of the deterioration of inter-ethnic relations between Ossetians and Ingush living in Ossetia and Ingushetia. The conflict led to large-scale disorder and violence, including disappearances. An investigation into the incidents was conducted by a joint task force of the Procurator-General's office, the Ministry of Internal Affairs and the Federal Security Service of the Russian Federation. Criminal proceedings have been instituted in each case where persons were taken hostage or died. Together with the search for the missing persons, efforts are under way to establish the criminal liability of, and bring to court, those involved in the incidents in question".

297. With regard to individual cases, the Government reported that "in six cases, the persons concerned were abducted by unidentified persons on 19 May 1994 in the town of Vladikavkaz, Republic of North Ossetia, and in two other cases, the persons disappeared on 7-8 April 1994 near the village of Ali-Yurt in the Ingush Republic. Criminal investigations have been initiated in all these cases. In one other case, the person concerned did not figure on the Government's list of persons who disappeared in the above-mentioned conflict". With regard to 138 cases, the Government reported that the persons concerned had been taken hostage and killed between 31 October and 6 November 1992 at locations not identified during the investigation.

Observations

298. The Working Group wishes to express its appreciation to the Government for the information provided on the individual cases. It looks forward to being informed of the results of the criminal investigations initiated into all these cases.

299. The Group, nevertheless, is deeply concerned at the high number of recent cases of enforced disappearance which allegedly occurred in the context of ethnic conflicts. It wishes to remind the Government that, in accordance with article 7 of the Declaration, no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

Rwanda

300. During the period under review, the Working Group transmitted three newly reported cases of disappearance to the Government of Rwanda, all of

which occurred in 1996 and were sent under the urgent action procedure. During the same period, the Working Group clarified one of these cases when the source reported that the person concerned had been released.

301. The human rights field officers deployed by the High Commissioner for Human Rights in support of the Special Rapporteur on the situation of human rights in Rwanda have been instructed to receive pertinent information about disappearances and channel such reports to the Working Group.

302. The dimension of the Rwandan tragedy, and the fact that the number of persons who have perished or were forced to leave their place of residence constitutes about half of the entire population, make it difficult to distinguish between those who have been victims of massacres and those who have disappeared. Within this context, reports of "disappearances" in post-genocide Rwanda have been rare. Several reasons may be cited. In some cases of alleged missing persons, unreliable prison records may render identification or location of those persons virtually impossible. Also, persons within the community, including family members of missing persons, may be reluctant to come forward and declare possible abductions for fear of reprisals or harassment.

303. In some cases, the issue by the mayor of an arrest warrant, especially on the charge of complicity in the genocide, may cause family members to take flight for fear of being implicated themselves. There are also those cases in which the human rights field operation in Rwanda has received reports from non-governmental organizations or disinterested parties, of the arbitrary or illegal arrest of persons within the community, while the local population itself has remained silent. This was attributed to the tacit complicity of the community in the removal and execution of a person known to have committed genocide.

304. The majority of the 11 outstanding cases of disappearance occurred in 1990 and 1991 in the north of the country, in the context of the ethnic conflict between Tutsis and Hutus. In three cases the disappearances occurred in 1993 in northern Rwanda and concerned students from the Seventh Day Adventist University in Mudende suspected of supporting the Rwandese Popular Front.

305. Of the three cases of disappearance which allegedly occurred in 1996, one concerned the Mayor of Nyabikenke, who is reportedly of Hutu origin and who is said to have been detained by members of the armed forces. Another case concerned a journalist who was allegedly arrested by the military police on the grounds that he was an accomplice to genocide, and was later released. The third case concerned a mechanic from Kigali who was reportedly arrested by soldiers of the Rwandese Patriotic Army on the grounds that his father and brothers had committed crimes during the genocide of 1994.

306. According to information received by the Working Group, during the period under review, the major problem in Rwanda in connection with the phenomenon of disappearance and the application of the Declaration remains that of "incommunicado" detention at some military camps and other installations of the Rwandese Patriotic Army (RPA). It is reported that it is during such detention that disappearances most frequently occur. In

addition, prison registers are non-existent or incomplete and the Rwandese Patriotic Army representatives not only consistently deny that military locations are used as places of detention but have generally refused human rights organizations full and confidential access to all persons held in these camps.

307. To date, no response has ever been received from the Government with regard to the outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Saudi Arabia

308. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Saudi Arabia.

309. The one outstanding case was transmitted in 1992 and concerns a Saudi Arabian businessman who was allegedly arrested in Amman in 1991 by Jordanian security forces and was later reportedly handed over to the Saudi Arabian authorities.

310. During the period under review, the Working Group received two communications from the Government in which it reported that the subject had been tried and detained in a prison in Riyadh, and that he had now been released and was free to travel outside the country.

Seychelles

311. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Seychelles.

312. The three reported cases of disappearance allegedly occurred on the main island of Mahé in 1977 and 1984. All three persons are said to have been abducted shortly after they left their homes by persons believed to belong to the security forces. At least two of the persons were reportedly known opponents of the Government.

313. During the same period, no new information was received from the Government with regard to these cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the missing persons.

South Africa

314. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of South Africa.

315. The majority of the 11 outstanding cases of disappearance reported to the Working Group occurred between 1976 and 1982 in Namibia. Since, at that time, Namibia was under South African jurisdiction and responsibility for the disappearance was imputed to agents of South Africa, the cases are retained on the South Africa country file in accordance with the Working Group's methods of work.

316. During the period under review, no information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Sri Lanka

317. During the period under review, the Working Group transmitted 34 newly reported cases of disappearances to the Government of Sri Lanka, 16 of which were sent under the urgent action procedure. Of the 16 urgent action cases, four reportedly occurred in 1996.

318. Since the establishment of the Working Group in 1980, 11,513 cases of disappearance alleged to have occurred in Sri Lanka have been reported to the Working Group. The cases occurred in the context of two major sources of conflict in that country: the confrontation of Tamil separatist militants and government forces in the north and north-east of the country and the confrontation between the People's Liberation Front (JVP) and government forces in the south. Cases reported to have occurred between 1987 and 1990 took place mostly in the Southern and Central Provinces of the country, during a period in which both security forces and JVP resorted to the use of extreme violence in the contest for State power. In July 1989, the conflict in the south took a particularly violent turn when JVP adopted even more radical tactics, including enforced work stoppages, intimidation and assassination, as well as targeting the family members of the police and army. To thwart the JVP military offensive, the State launched a generalized counter-insurgency campaign and the armed forces and the police appear to have been given wide latitude of action to eliminate the rebel movement and restore law and order in any way they saw fit. By the end of 1989, the armed forces had put down the revolt, having succeeded in capturing and executing the nucleus of the JVP leadership.

319. Cases reported to have occurred since 11 June 1990, the date of resumption of hostilities by the Liberation Tigers of Tamil Eelam (LTTE), have taken place primarily in the Eastern and North-Eastern Provinces of the country. In the north-east, the persons most often reported detained and missing were young Tamil men accused or suspected of belonging to, collaborating with, aiding or sympathizing with LTTE. Tamil persons internally displaced owing to the conflict and staying in informal shelters such as church or school centres were the group particularly at risk of detention and disappearance. The most frequently utilized method of detention in the north-east was the cordon-and-search operation in which the army, often in conjunction with the police, and particularly the Special Task Force, went into a village or a rural area and detained scores of persons. Many were released within 24 to 48 hours, but a percentage of the persons remained in custody for questioning.

320. Out of concern at the situation of disappearances in Sri Lanka, and at the invitation of the Government of Sri Lanka, the Working Group undertook two missions to that country from 7 to 18 October 1991 and from 5 to 15 October 1992. The reports of the Working Group are contained in documents E/CN.4/1992/18/Add.1 and E/CN.4/1993/25/Add.1.

321. The majority of the newly reported cases occurred between mid-1995 and early 1996 following the resumption of hostilities between government forces and LTTE, and concerned young Tamil men, many of them poor farm labourers, fishermen or students from Trincomalee, Batticaloa, Colombo and Jafna.

322. According to information received by the Working Group from non-governmental organizations, during the past year the most intense fighting since hostilities broke out 13 years ago has taken place, and along with it there are renewed reports of disappearances, particularly in Colombo and in the eastern part of the country. The victims of disappearances are reported to be, in the vast majority, Tamil farmers and labourers, frequently from poor families. Those responsible reportedly include all branches of the security forces, Muslim and Sinhalese home guards and armed Tamil groups opposed to LTTE.

323. It was also alleged that there is a lack of progress in prosecuting some 172 police officers who have reportedly been implicated in cases of disappearance in the central provinces, despite the fact that there is said to be sufficient information to indict many of these officers in the courts. It was further alleged that the military authorities have failed to take action against some 200 army officers, said to have been implicated in cases of disappearance during the course of an investigation by the Presidential Commissions of Inquiry into Involuntary Removal and Disappearances, despite a directive reportedly issued by the President to the Ministry of Defence to this effect.

324. Moreover, concern has been expressed at the duration of the mandate of the Commissions of Inquiry, which are said to be currently investigating the fate of 23,000 disappeared persons in the northern and eastern parts of the country. It is said that the three-month extension of the Commissions' mandate granted by the President is insufficient to bring the details of the cases of disappearance to light. It is further reported that the payment of compensation to affected families has been very slow; less than 5 per cent of them are said to have been compensated so far.

325. It was further alleged that the Government has refused to amend provisions of the Prevention of Terrorism Act and the Emergency Regulations, which reportedly remain far from international standards and are said to facilitate the practice of disappearances and other human rights violations. It is stated that safeguards installed by presidential directives in 1995 to protect the welfare of detainees are not complied with, and action is reportedly not taken against members of the security forces for violating them.

326. During the period under review, no new information was received from the Government of Sri Lanka concerning the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Observations

327. The Working Group wishes to express its concern at the continuing high level of newly reported cases of disappearance in Sri Lanka. While taking

into account the legitimacy of derogating from some human rights commitments, in accordance with international law, in times of public emergency, the Working Group again stresses that, in accordance with article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances. In this respect, the Working Group requests the Government to bring the Prevention of Terrorist Act and the Emergency Regulations into line with its commitments under the Declaration.

328. The Working Group appreciates the efforts of the Commissions of Inquiry to investigate the fate of 23,000 disappeared persons and to compensate the victims or their families, and looks forward to being informed of the results.

Sudan

329. During the period under review, the Working Group transmitted one newly reported case of disappearance to the Government of the Sudan, which reportedly occurred in 1996 and was sent under the urgent action procedure. This case concerned a person reported to be a political activist in western Sudan. During the same period, the Working Group decided to clarify this case based upon information from the Government, confirmed by the source, that the individual had been released.

330. The majority of the 257 outstanding cases concern 249 villagers who were allegedly abducted from the village of Toror in the Nuba Mountains in 1995 by the armed forces of the Government of Sudan. It is suspected that the villagers have been taken to one of the government-controlled "peace camps".

331. During 1996, concern was expressed to the Working Group by non-governmental organizations that individuals are held incommunicado in clandestine detention centres in violation of Article 10 of the Declaration, which provides, inter alia, that "any person deprived of liberty shall be held in officially recognized places of detention and, in conformity with national law, be brought before a judicial authority promptly after detention".

332. Further, it was reported to the Working Group that during the past year women and children have continued to be abducted in southern Sudan and the Nuba Mountains and taken to other regions of the country where they are enslaved. Reports received by the Working Group also indicate that in the north there have been sweeps by the security forces in which displaced southern children who are living with their families and/or orphaned street children are abducted and placed in camps where they are given Islamic names and an Islamic education based on the Koran. The Working Group also takes note of reports that the rebel forces in the south have abducted children who are then militarily trained and conscripted into their forces.

333. The Working Group also notes that the Government of the Sudan has failed to provide information to the Special Rapporteur on the situation of human rights in the Sudan concerning the events that occurred in Juba in 1992. It is alleged that over 290 soldiers, police officers, prison guards, paramilitary forces attached to the Department of Wildlife and prominent civilians were arrested after the Government regained control of the town in June 1992. Most have disappeared and it is believed that the majority were summarily killed. The Government established a special committee in 1993 to

investigate the allegations, but the Special Rapporteur has yet to receive any reports from the Government concerning these investigations or other steps taken, despite repeated reminders contained in his reports to the Commission on Human Rights requesting information on the cases.

334. During the period under review, the Government informed the Working Group that the Minister of Justice had issued a ministerial decree forming a special committee to carry out investigations in order to clarify the alleged 249 cases of disappearance of Nuba tribe members. The Working Group was informed that the Special Committee had examined the information received from the Working Group on a case-by-case basis and found that the names in the cases received were composed of only two names, which made it difficult for the Committee to locate the alleged disappeared individuals unless the third name of each individual or further information was provided.

335. The Working Group informed the Government of the Sudan that it would transmit this request to the source; however, in accordance with its methods of work, the criteria required by the Group for the transmission of cases had been met. Representatives of the Government met with the Working Group at its forty-eighth session in New York, at which time they briefed the Group on the efforts of the Government to locate the disappeared.

Observations

336. The Working Group expresses its appreciation for the cooperation of the Government of the Sudan during the period under review. It also welcomes the creation by the Government of a special committee to investigate the cases of disappearance submitted by the Working Group, and looks forward to receiving its findings. The Group reminds the Government that, in accordance with the Declaration, it has the responsibility to "take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance" (art. 3) including prosecution of the alleged perpetrators of disappearance by the ordinary courts (art. 16).

337. Special attention should be given to the commitment to have any person deprived of liberty held "in officially recognized places of detention and, in conformity with national law, ... brought before a judicial authority promptly after detention" (art. 10). The Working Group, furthermore, urges the Sudanese authorities to do everything in their power to ensure the safety of relatives and witnesses (art. 13, para. 3).

338. With respect to the six disappeared persons of Chadian nationality who were reportedly arrested in 1996 by Sudanese security forces and handed over to Chadian security forces, the Working Group wishes to remind the Government of the Sudan of its commitment under article 8 not to return or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance.

Syrian Arab Republic

339. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Syria. During the same period, the Working Group clarified four cases on the basis of information

provided by the Government on which no observations had been received from the source within a period of six months; in one case it was reported that the person died in detention following a heart attack and a death certificate was provided; in another case the person was in detention in Tadmur prison; in two cases the person concerned had been executed.

340. Of the total 35 cases of disappearance reported to the Working Group, 24 have been clarified. Among the 11 outstanding cases, a substantial number allegedly occurred throughout the country in the early to mid-1980s. Some of the persons concerned were allegedly members of terrorist groups; others were reportedly members of the military or civilians.

341. During the period under review, the Government provided information on four cases: in two cases, the persons concerned were reported to have left the country and in two other cases the persons concerned had been sentenced to death and executed. The Government of Syria also provided information on two cases of disappearance which reportedly occurred in Lebanon and in which Syrian forces were implicated. This information is reflected in the section on Lebanon.

Tajikistan

342. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Tajikistan.

343. All six cases of disappearance reported to the Working Group were alleged to have occurred between late 1992 and July 1993 in the context of the escalating civil war when pro-government forces took over the capital of Dushanbe.

344. Although several reminders have been sent, no information has ever been received by the Working Group from the Government. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Togo

345. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Togo.

346. Six of the 10 outstanding cases concern persons who were reportedly detained in 1994 by members of the armed forces at Adetikope as they were on their way to Lomé to visit two relatives of the Secretary-General of the Togolese Drivers' Trade Union, who had reportedly been injured in a car accident. One other case concerned a civil servant who was reportedly the adviser to the President of the High Council of the Republic between 1991 and 1993 and who is said to have been abducted from his car in the Lomé suburb of Aguényié and taken to an unknown destination by three men in a minibus, followed by a military vehicle. The other victims were a man arrested by the police and taken to the Central Commissariat in Lomé, from where he disappeared a few days later; a farmer abducted from his home by armed men and taken to an unknown destination; and a businessman abducted from his home by five men in military fatigues.

347. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Turkey

348. During the period under review, the Working Group transmitted 12 newly reported cases of enforced or involuntary disappearances to the Government of Turkey. All of them, except one, were transmitted under the urgent action procedure. Half of the cases were reported to have occurred during 1996. During the same period, the Working Group clarified seven cases; five of them were clarified on the basis of information previously provided by the Government, while two others were clarified by the source, who reported that in one case the person concerned had been released and in the other the person concerned had been found dead. The Working Group also retransmitted one case to the Government updated with new information from the source.

349. Since the creation of the mandate, 145 cases of enforced or involuntary disappearances have been reported to the Working Group, of which 65 have been clarified. The majority of these cases reportedly occurred in south-east Turkey, where a state of emergency is in force, particularly in the context of clashes between Kurdish Workers' Party (PKK) guerrilla and government security forces.

350. While in 1994 the Working Group transmitted 72 newly reported cases and 17 were transmitted in 1995, during the period under review, the figure went down to 12. Nevertheless, disappearances in Turkey continue to occur.

351. Victims of the newly reported cases were all males, ranging in age from 18 to 52; they included members of political parties, villagers, a shop owner and a veterinary student. While in previous years the majority of cases occurred in the south-east region of Turkey, during the period under review, five of the reported disappearances took place in Istanbul and in Antalya. Those allegedly responsible for cases of disappearance reportedly continue to be police officers and members of the security forces, although in one case village guards were also involved. In most cases, the persons concerned had reportedly been detained while in their houses or in public places, forced into a police or military vehicle and were never seen again. Upon inquiries by family members or lawyers, the authorities denied that the person had ever been detained.

352. In addition to the individual cases of disappearance, the Working Group continued to receive information according to which, in an attempt to fight the PKK, harassment and attacks against civilians suspected of having links with the PKK were being committed. Serious concern was expressed that in the conflict between the Government and the PKK, civilians not directly involved in the combat were becoming targets of both the Turkish security forces and the PKK guerrillas. In this context, it is to be mentioned that reports have also been received about abuses committed by the PKK.

353. The existence of a state of emergency is alleged to be a major obstacle to the implementation of the Declaration, as it has reportedly led to the

excessive concentration of power in the hands of the authorities. Impunity is said to be another contributing factor in the continuation of violations of human rights in Turkey. Reportedly, although members of the security forces are mentioned as being responsible for most enforced disappearances, they are said never to be brought to trial or prosecuted for these acts. Furthermore, it has been alleged that procedures laid down in the Turkish Code of Criminal Procedure for the prompt and appropriate registration of detainees and notification of their families are disregarded in the south-eastern provinces. Long detention periods reportedly permitted under Turkish laws are mentioned as another factor promoting disappearances. Reportedly, under the Anti-Terror Law, suspects in the provinces under a state of emergency can be held in custody without access to their family, friends or lawyer for 30 days. Although an amendment to the Code of Criminal Procedure in 1992 reportedly introduced the right of a defendant to have access to a lawyer at any stage of the proceedings, including custody, terrorist offences were excluded from the provisions of this amendment.

354. During the period under review, the Government of Turkey provided a number of replies on individual cases and also transmitted to the Working Group information of a more general nature. In five cases the Government replied that the subjects had been released. In four other cases the Government stated that there were no records of the detention or arrest of the disappeared persons, while in two others the disappeared persons appeared to have fled the country. In one other case, the Government replied that the person had managed to escape arrest.

355. The Government also provided the Working Group with a copy of General Assembly resolution 50/186 of 22 December 1995 entitled "Human rights and terrorism". In the same communication the Government referred to the problem which the country faced regarding terrorism. It stated that, "the United Nations Human rights machinery, given its important role protecting and promoting human rights and fundamental freedoms, occupies a particularly important place in Turkey's evaluation of the global sensitivity towards terrorism". It furthermore stated that "Turkey believes that all the components of the United Nations human rights machinery will be guided by the General Assembly's description of terrorism as a violation of human rights in implementing their respective mandates".

356. The Government again made reference to the results of the 1995 amendments to article 8 of the Anti-Terror Law, which called for the revision of sentences passed under its former version. The Government informed the Working Group that, as of 25 September 1996, the number of persons whose sentences under the original version of article 8 had been reduced, had attained 1,408, and 269 persons had been released. Furthermore, by letter dated 23 October 1996, the Government informed the Working Group of a reform process initiated in Turkey with the aim of improving the standards of democracy and human rights.

Observations

357. The Working Group wishes to express its appreciation to the Government of Turkey for the information provided. Nevertheless, it regrets that the Government has not yet replied to its letter of 21 July 1995 proposing a visit to the country.

358. While taking into account the legitimacy of derogating from some human rights responsibilities, in accordance with international law, in times of public emergencies, the Working Group reminds the Government again that, under article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances. In this context, it requests the Government to bring its anti-terror legislation into conformity with its commitments under the Declaration. In particular, under article 10.1, any person deprived of liberty shall be held in an officially recognized place of detention and be called before a judicial authority promptly after detention.

Uganda

359. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uganda.

360. All of the 20 reported cases of disappearance occurred between 1981 and 1985, i.e. before the present Government took office. The reported arrests or abductions occurred throughout the country and in one case the person was allegedly abducted while in exile in Kenya and taken to Kampala. One case concerned the 18 year-old daughter of an opposition member of the Ugandan Parliament. The arrests are said to have been made by either policemen, soldiers or officials of the National Security Agency.

361. During the period under review, the Government requested a retransmittal of the outstanding cases. This was sent to the Government on 8 August 1996. No new information, however, was received by the Working Group from the Government. The Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Uruguay

362. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uruguay. At the same time, the Working Group deleted three cases of disappearance from the files on Uruguay since, although they concerned Uruguayan citizens, the disappearance reportedly occurred in Argentina and the cases were also in that country's statistics. In accordance with the Group's methods of work, cases are attributed to the country in which the person was reportedly held in detention or last seen.

363. The majority of the 36 cases of disappearance reported to the Working Group occurred between 1975 and 1978 under the military Government, in the context of its fight against alleged subversion. It should be noted that the Working Group has received no reports of disappearance in Uruguay after 1982.

364. During the period under review, the Government of Uruguay reiterated its willingness to cooperate with the Working Group. It submitted information to the Group on the situation of Uruguayan citizens who had disappeared in Argentina and Chile. With regard to Argentina, the Government provided information on a Uruguayan child, the son of two Uruguayan citizens who had disappeared in Argentina, who had been found and identified. These cases are not before the Working Group. The information concerning a case in Chile, which had been submitted to the Working Group, is contained in the section concerning Chile.

365. At its fiftieth session, the Working Group met with representatives of the Government of Uruguay and engaged in an exchange of views with regard to the cases which remain pending. The Government of Uruguay stressed its willingness to try to determine the fate and whereabouts of the persons reported as disappeared.

Uzbekistan

366. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uzbekistan. During the same period, the Working Group retransmitted two cases of disappearance to the Government, updated with new information from the source.

367. Two of the outstanding cases of disappearance concern an Islamic religious leader and his assistant who were reportedly detained in August 1995 by the National Security Service in Tashkent as they were waiting to board an international flight. The third case concerns the leader of the Islamic Renaissance Party, reportedly an unregistered political party, who was allegedly arrested in 1992 by men believed to be government agents.

368. During the period under review, the Government of Uzbekistan provided information on the three outstanding cases, informing the Working Group of the details of the investigations carried out thus far by the authorities into the subjects' disappearance, and reporting that their search for the persons concerned was continuing.

Venezuela

369. During the period under review, no new cases of disappearance were transmitted to the Government of Venezuela by the Working Group.

370. Of the 10 cases reported to the Working Group, 4 have been clarified. Three of the six outstanding cases occurred in December 1991 and concern student leaders who had reportedly been intercepted by security forces during a commercial fishing expedition. A fourth case concerned a businessman arrested in February 1991 in Valencia City, Carabobo, by the police. A fifth case concerns a 14 year-old girl who was allegedly abducted in March 1993 following a military raid on her house in the peasant community of 5 de Julio, Municipality of Catatumbo, State of Zulia. Another case concerns a person who was allegedly detained in February 1995 in the vicinity of Puerto Ayacucho, State of Amazonas, by members of the Navy Infantry, following incidents in which eight Venezuelan soldiers were reportedly ambushed and killed by Colombian guerrillas.

371. During the period under review, the Government of Venezuela provided the Working Group with information concerning the two outstanding cases, which occurred in 1993 and 1995. The Working Group requested the Government to provide more precise information on these cases.

Yemen

372. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Yemen.

373. The majority of the 98 cases transmitted to the Government in the past occurred between January and April 1986 in the context of fighting between supporters of President Ali Nasser Muhammad and his opponents. The President subsequently fled the country and his opponents took power. In the aftermath of the fighting, several suspected supporters of the former President were reportedly arrested and subsequently disappeared. The persons concerned are said to have been arrested either during the fighting on 13 January 1986 or in the period thereafter, between January and April 1986. The majority of the victims were members of the airforce, the army or the security forces, but there were also civilians. Most of them were members of the Yemen Socialist Party. The forces said to be responsible for their arrest include the State security forces, the airforce and the people's militia. One other case concerned the President of the Engineers' Union, who was also said to be a member of the Central Committee of the Yemen Socialist Party and who reportedly disappeared in August 1994. This case was clarified in 1994 when the person concerned was reported to have been released.

374. During the period under review, no new information was received from the Government of Yemen with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Observations

375. The Working Group regrets that no further information has been provided by the Government of Yemen on the fate and whereabouts of the persons reported as disappeared. In this connection, it wishes to remind the Government of its responsibility under articles 13 and 14 of the Declaration to investigate thoroughly all cases of enforced disappearance and to bring the perpetrators to justice.

Zaire

376. During the period under review, the Working Group transmitted three newly reported cases of disappearance to the Government of Zaire, all of which reportedly occurred in 1996. The cases were sent as a joint urgent action appeal together with the Special Rapporteur on Torture.

377. The majority of the 27 reported cases of disappearance occurred between 1975 and 1985 and concerned persons suspected of being members of a guerrilla group known as the Parti de la révolution populaire or of being political activists. More recent cases concern a journalist who was allegedly abducted from his home in 1993 by members of the Division spéciale

présidentielle and the civil guard, and interrogated on the premises of the State radio station, Voix du Zaïre, and four men who were allegedly arrested in Likasi in 1994 by soldiers and detained for almost two months before being transferred to Kinshasa; since then their whereabouts have remained unknown.

378. Two of the newly reported cases concern villagers from Kitshanga who were reportedly arrested by members of the Zairian armed forces in September 1996 as they were on their way to Goma, capital of North Kivu. The third case concerns a man who is said to have been arrested by members of the Service for Action and Military Intelligence (Service d'actions et de renseignements militaires), also in September 1996. Fear was expressed by the source that all three persons were at risk of torture and ill-treatment.

379. During the period under review, no information was received from the Government of Zaire with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

III. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED

Kazakstan

380. During the period under review, the Working Group clarified the two outstanding cases of disappearance in Kazakstan when the source reported that the persons concerned had been tried and sentenced to prison terms.

381. The two cases of disappearance, which reportedly occurred in 1994, concerned persons of Uzbek nationality who were allegedly members of the Uzbek political party "Erk". They were said to have been living as refugees in Kazakstan and were reportedly abducted from their home in Almaly by six officers, allegedly working for the Ministry of the Interior of Uzbekistan. It was believed that their abduction might have been connected to their activities for a newspaper, reportedly produced outside Uzbekistan and distributed clandestinely inside the country.

382. In accordance with the Working Group's methods of work, these cases were transmitted to the Government of Kazakstan, the country where the abductions allegedly occurred, and a copy of the cases was sent to the Government of Uzbekistan, since its forces were implicated in the abduction.

Tunisia

383. During the period under review, the Working Group transmitted, for the first time, one case of disappearance to the Government of Tunisia, which allegedly occurred in late 1995 and was sent under the urgent action procedure. This case concerned a person who was reportedly abducted from home by three plainclothed men, who were believed to be members of the security forces.

384. During the same period, the Government of Tunisia provided information on this case, stating that the subject had been arrested and brought before the Public Prosecutor, who had charged him with terrorist activities within the banned "Ennahda" movement, and informing the Group that he was detained at the civil prison in Tunis. The source subsequently informed the Working Group that the family had been able to visit the person concerned in prison. Since his whereabouts had been determined, the Working Group decided, in accordance with its methods of work, to consider the case clarified.

Turkmenistan

385. During the period under review, the Working Group clarified the two outstanding cases of disappearance in Turkmenistan, based on information provided by the Government in which it was reported that the persons concerned had been tried and sentenced to imprisonment, but had subsequently been granted clemency by the President. In accordance with the Working Group's methods of work, as the source did not raise any objections within six months the cases were considered clarified.

386. These cases reportedly occurred in 1995 and concerned two journalists who were allegedly taken from their home by government agents in the days

following the sweep of arrests of individuals who participated or were believed to have participated in a peaceful public demonstration held in the capital, Ashghabad, in July 1995.

Zimbabwe

387. During the period under review, the Working Group clarified the one outstanding case of disappearance in Zimbabwe, on the basis of information submitted by the Government and subsequently confirmed by the source.

388. This case occurred in 1985 in the context of the armed conflict between government forces and political opponents in Matabeleland. It concerned a member of the Zimbabwe African People's Union (ZAPU) political party who was reportedly arrested by four men (two of them in police uniform) while attending a church service and taken away in a police vehicle.

389. The Government provided information on this case in which it stated that, pursuant to the signing of the unity accord in 1987, it had decided to compensate all families with missing relatives, regardless of the circumstances of their disappearance. In the absence of any conclusive evidence to establish who was responsible for the subject's disappearance, the case was settled out of court, with the Government compensating the subject's family, through its lawyers, an amount of Z$ 35,000, (approximately US$ 5,000).

390. The source subsequently confirmed that the subject's wife had received compensation for the disappearance and presumed death of her husband.

IV. CONCLUSIONS AND RECOMMENDATIONS

391. The Commission on Human Rights, in its resolution 1996/30, urged the Governments concerned to cooperate with and assist the Working Group on Enforced or Involuntary Disappearances so that it perform its functions without hindrance. The effectiveness of the Working Group is based on the cooperation it receives from Governments, especially of those countries in which enforced disappearance is an ongoing phenomenon. The Working Group appreciates the many mechanisms of communication and dialogue established with almost all the Governments of the countries concerned, many of which have sent representation to the Working Group's sessions.

392. There are approximately 43,980 outstanding cases of disappearance on the Working Group's books at the time of the adoption of the present report. Although many of these cases occurred more than 10 years ago, there has been no major progress in their clarification. Nevertheless, it must be stated that in many of the countries concerned no new cases have been reported recently. The Working Group periodically sends this information to the Governments of the countries concerned without major progress. Without relieving the other countries of their responsibilities, the Working Group views as a source of particular concern those countries which have had more than 500 cases outstanding for more than 10 years: Argentina, Chile, El Salvador, Guatemala, Iraq, Peru, the Philippines and Sri Lanka. It is essential for the countries which have a large backlog of outstanding cases to make consistent and effective efforts to identify the fate and whereabouts of the disappeared. At the same time, in agreement with the families of the missing persons, mechanisms might be explored for the clarification of cases, including acknowledgment of the responsibility of the State and establishing appropriate compensation. In this connection, the Working Group is prepared to provide its cooperation to the parties concerned.

393. Also in resolution 1996/30, the Commission once again encouraged Governments to give serious consideration to inviting the Working Group to visit their countries. So far, the Governments of Bolivia, Colombia, Cyprus, Guatemala, Mexico, Peru, the Philippines and Sri Lanka have extended invitations to and welcomed delegations of the Working Group. Such field work has helped the Working Group and the Commission to acquire a better understanding of the situation in those countries. It is hoped that other Governments will show an appropriate understanding of the task of the Working Group and extend invitations to the Group so that its members can visit one or more countries every year as an essential part of its operations.

394. The Working Group wishes to remind Governments that authentic cooperation is based on effective action to clarify the outstanding cases and prevent new ones. In this respect the results are very poor, especially if it is taken into consideration that the countries to visit which the Working Group has recently sought an invitation have either not reacted positively (India), or at all (Iraq and Turkey). This matter must be taken seriously into consideration by the Commission, since timely cooperation, including field missions, is crucial to clarifying ongoing cases and preventing new disappearances.

395. In addition to assisting family members and Governments in clarifying individual cases of disappearance, in recent years the Working Group, on instructions from the Commission, has assumed the main responsibility for monitoring States' compliance with their responsibilities under the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly on 18 December 1992. Progress in the implementation of the Declaration seems, however, to be extremely slow. Very few countries have enacted special legislation to make the act of enforced disappearance a specific offence under criminal law or to implement other provisions of the Declaration. With a view to making the Declaration better known and in order to draw Governments' attention to their responsibilities, the Working Group continues to adopt general comments on specific provisions of the Declaration.

396. The Working Group reiterates that it is essential to its activities to continue receiving cooperation from non-governmental organizations concerned with the problem of disappearances. These organizations have proved to be the conscience of the world community and their activities deserve support. At the same time, the Working Group notes with concern that in some cases non-governmental organizations have failed to maintain contact with their source, and in other cases have relegated cases to their archives, thus seriously affecting efforts by the Working Group to follow up on individual cases.

397. Finally, the Working Group wishes to express once again its sincere appreciation to the secretariat for its dedication in the pursuance of the difficult tasks it has to undertake, while constantly in need of additional resources. The Group avails itself of this opportunity to appeal again to the Commission to meet the needs of the secretariat by allocating more resources to it.

V. ADOPTION OF THE REPORT

398. At the last meeting of its fiftieth session, on 22 November 1996, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances:

Ivan Tosevski Chairman-Rapporteur	(the former Yugoslav Republic of Macedonia)
Agha Hilaly	(Pakistan)
Jonas K.D. Foli	(Ghana)
Diego García-Sayán	(Peru)
Manfred Nowak	(Austria)

Notes

1/ Since its creation in 1980, the Working Group has submitted a report to the Commission annually, starting at the Commission's thirty-seventh session. The document symbols of the previous 16 reports are as follows: E/CN.4/1435 and Add.1; E/CN.4/1492 and Add.1; E/CN.4/1983/14; E/CN.4/1984/21 and Add.1 and 2; E/CN.4/1985/15 and Add.1; E/CN.4/1986/18 and Add.1; E/CN.4/1987/15 and Corr.1 and Add.1; E/CN.4/1988/19 and Add.1; E/CN.4/1989/18 and Add.1; E/CN.4/1990/13; E/CN.4/1991/20 and Add.1; E/CN.4/1992/18 and Add.1; E/CN.4/1993/25 and Add.1; E/CN.4/1994/26 and Corr.1 and 2 and Add.1; E/CN.4/1995/36; and E/CN.4/1996/38.

2/ Resolutions 1996/20, 1996/32, 1996/47, 1996/48, 1996/49, 1996/51, 1996/52, 1996/53, 1996/55, 1996/62, 1996/69, 1996/70, 1996/78 and 1996/85 I.

3/ Hereafter referred to as the "Declaration".

Annex I

DECISIONS ON INDIVIDUAL CASES TAKEN BY
THE WORKING GROUP DURING 1996

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1996

Country	Cases which allegedly occurred in 1996	Cases transmitted to the Government during 1996		Clarifications by:		Six-month rule
		Urgent actions	Normal actions	Government	Non-governmental sources	
Algeria	-	-	3	6	-	5
Bangladesh	1	1	-	-	-	-
Brazil	-	-	-	42	-	-
Burundi	-	2	-	-	-	-
Chad	6	6	-	-	-	-
Chile	-	-	-	20	-	29
China	6	-	17	-	-	-
Colombia	16	18	3	4	-	7
Egypt	-	-	2	-	-	5
El Salvador	-	-	23	-	15	-
Ethiopia	1	1	-	-	1	-
Gambia	-	-	1	-	-	-
Guatemala	-	-	-	5	-	1
Greece	-	1	-	-	-	-
Honduras	-	1	-	-	-	-

Country	Cases which allegedly occurred in 1996	Cases transmitted to the Government during 1996		Clarifications by:		Six-month rule
		Urgent actions	Normal actions	Government	Non-governmental sources	
India	4	4	19	3	3	1
Indonesia	9	8	2	-	-	9
Iran (Islamic Republic of)	-	-	-	11	1	2
Iraq	10	4	194	-	6	18
Kazakstan	-	-	-	-	2	-
Lebanon	-	-	7	-	-	-
Mexico	5	5	-	10	1	9
Morocco	-	-	-	14	-	-
Mozambique	-	-	1	-	-	-
Pakistan	4	7	-	-	3	-
Peru	3	1	121	4	-	-
Philippines	1	1	1	13	-	-
Russian Fed.	2	2	41	-	-	-
Rwanda	3	3	-	-	1	-
Saudi Arabia	-	-	-	-	-	1
Sri Lanka	8	16	18	-	-	-
Sudan	1	1	-	1	-	-

Country	Cases which allegedly occurred in 1996	Cases transmitted to the Government during 1996		Clarifications by:		Six-month rule
		Urgent actions	Normal actions	Government	Non-governmental sources	
Syria	-	-	-	4	-	2
Tunisia	-	1	-	-	1	-
Turkey	5	11	1	6	1	3
Turkmenistan	-	-	-	2	-	2
Zaire	3	3	-	-	-	-
Zimbabwe	-	-	-	-	1	-

Annex II

STATISTICAl SUMMARY: CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCE REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1996

STATISTICAL SUMMARY

CASES OF INVOLUNTARY DISAPPEARANCE REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1996

Country	Cases transmitted to the Government				Clarifications by:		Status of person at date of clarification		
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead
	No. of cases	Female	No. of cases	Female					
Afghanistan	2	-	2	-	-	-	-	-	-
Algeria	107	2	100	-	6	1	2	-	5
Angola	7	1	4	-	3	-	-	-	3
Argentina	3 461	-	3 384	-	43	34	49	-	28
Bahrain	1	-	-	-	-	1	-	1	-
Bangladesh	1	1	1	1	-	-	-	-	-
Bolivia	48	7	28	-	19	1	19	-	1
Brazil	56	4	8	-	47	1	1	2	45
Bulgaria	3	-	-	-	3	-	-	-	3
Burkina Faso	3	-	3	-	-	-	-	-	-
Burundi	47	-	47	-	-	-	-	-	-
Cameroon	6	-	6	-	-	-	-	-	-
Chad	12	-	11	-	1	-	-	-	-
Chile	912	67	848	-	41	23	2	-	62
China	73	5	28	-	39	6	35	9	1
Colombia	970	84	756	-	162	52	129	19	66

CASES OF INVOLUNTARY DISAPPEARANCES REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1996
(continued)

Country	Cases transmitted to the Government				Clarifications by:		Status of person at date of clarification		
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead
	No. of cases	Female	No. of cases	Female					
Dominican Republic	4	-	2	-	2	-	2	-	-
Ecuador	20	2	5	-	11	4	6	4	5
Egypt	17	-	15	-	2	-	-	2	-
El Salvador	2 661	332	2 270	267	318	73	196	175	20
Equatorial Guinea	3	-	3	-	-	-	-	-	-
Ethiopia	102	2	100	-	1	1	1	1	-
Gambia	1	-	1	-	-	-	-	-	-
Greece	3	-	3	-	-	-	-	-	-
Guatemala	3 151	381	3 007	-	65	79	87	6	51
Guinea	28	-	21	-	-	7	-	-	6
Haiti	48	1	38	-	9	1	5	4	1
Honduras	197	34	129	-	30	38	53	8	7
India	255	10	218	-	28	9	13	6	19
Indonesia	428	33	378	1	38	12	40	8	2
Iran (Islamic Republic of)	509	99	496	-	11	2	3	1	9

CASES OF INVOLUNTARY DISAPPEARANCES REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1996
(continued)

Country	Cases transmitted to the Government				Clarifications by:		Status of person at date of clarification		
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead
	No. of cases	Female	No. of cases	Female					
Iraq	16 329	2 295	16 199	-	107	23	103	6	21
Israel	3	-	2	-	-	1	-	-	1
Kazakstan	2	-	-	-	-	2	-	2	-
Kuwait	1	-	1	-	-	-	-	-	-
Lao People's Democratic Republic	1	-	1	-	-	-	-	-	-
Lebanon	286	15	281	13	-	5	5	-	-
Libyan Arab Jamahiriya	1	-	1	-	-	-	-	-	-
Mauritania	1	-	1	-	-	-	-	-	-
Mexico	319	24	237	-	72	10	33	7	42
Morocco	232	27	142	-	64	26	75	1	14
Mozambique	2	-	2	-	-	-	-	-	-
Myanmar	2	1	-	-	2	-	1	1	-
Nepal	6	-	5	-	-	1	1	-	-
Nicaragua	234	4	103	-	112	19	45	11	75
Nigeria	5	1	-	-	5	-	5	-	-

CASES OF INVOLUNTARY DISAPPEARANCES REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1996
(continued)

Country	Cases transmitted to the Government				Clarifications by:		Status of person at date of clarification		
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead
	No. of cases	Female	No. of cases	Female					
Pakistan	60	2	56	-	1	3	4	-	-
Paraguay	23	1	3	-	20	-	19	-	1
Peru	3 001	311	2 371	116	249	381	443	85	102
Philippines	649	80	496	-	122	31	106	17	30
Romania	1	-	-	-	1	-	1	-	-
Russian Federation	160	11	160	-	-	-	-	-	-
Rwanda	11	1	10	-	-	1	1	-	-
Saudia Arabia	1	-	1	-	-	-	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-
South Africa	11	1	7	-	2	2	1	1	2
Sri Lanka	11 513	127	11 449	-	30	34	31	17	16
Sudan	261	33	257	-	1	3	4	-	-
Syrian Arab Republic	35	3	11	-	11	13	15	5	4
Tajikistan	6	-	5	-	-	1	-	-	1
Togo	11	2	10	-	-	1	1	-	-

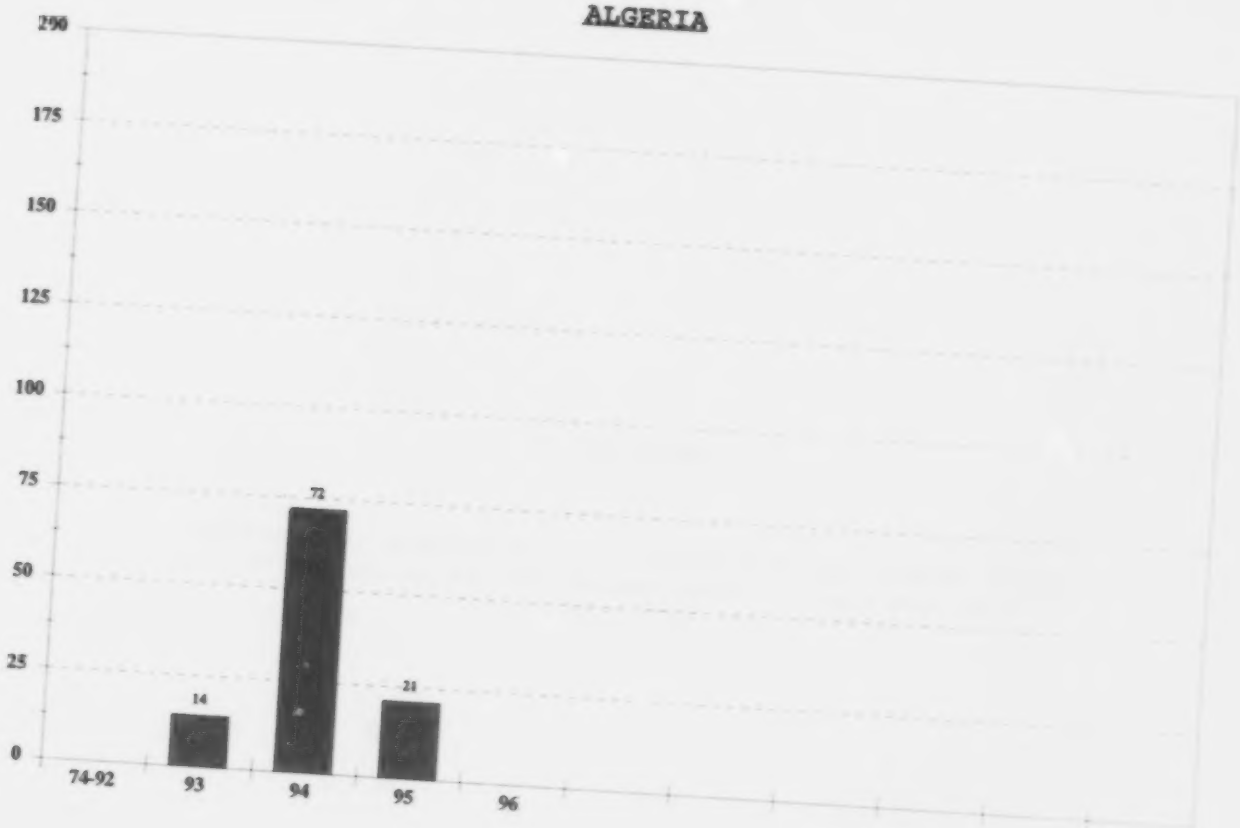
CASES OF INVOLUNTARY DISAPPEARANCES REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1996
(continued)

Country	Cases transmitted to the Government				Clarifications by:		Status of person at date of clarification		
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead
	No. of cases	Female	No. of cases	Female					
Tunisia	1	-	-	-	1	-	-	1	-
Turkey	145	10	78	-	29	38	45	11	11
Turkmenistan	2	-	-	-	2	-	-	2	-
Uganda	20	4	13	-	2	5	2	5	-
Uruguay*	36	-	28	-	7	1	4	4	-
Uzbekistan	3	-	3	-	-	-	-	-	-
Venezuela	10	2	6	-	4	-	1	-	3
Yemen	98	-	97	-	-	1	1	-	-
Zaire	27	1	21	-	6	-	6	-	-
Zimbabwe	1	-	-	-	1	-	-	-	1

* The number of clarifications by the Government of Uruguay and by non-governmental sources were inadvertently reversed in the previous report. They should read seven clarifications by the Government and one by non-governmental sources.

Annex III

GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN COUNTRIES WITH MORE THAN 100 CASES TRANSMITTED DURING THE PERIOD 1973-1996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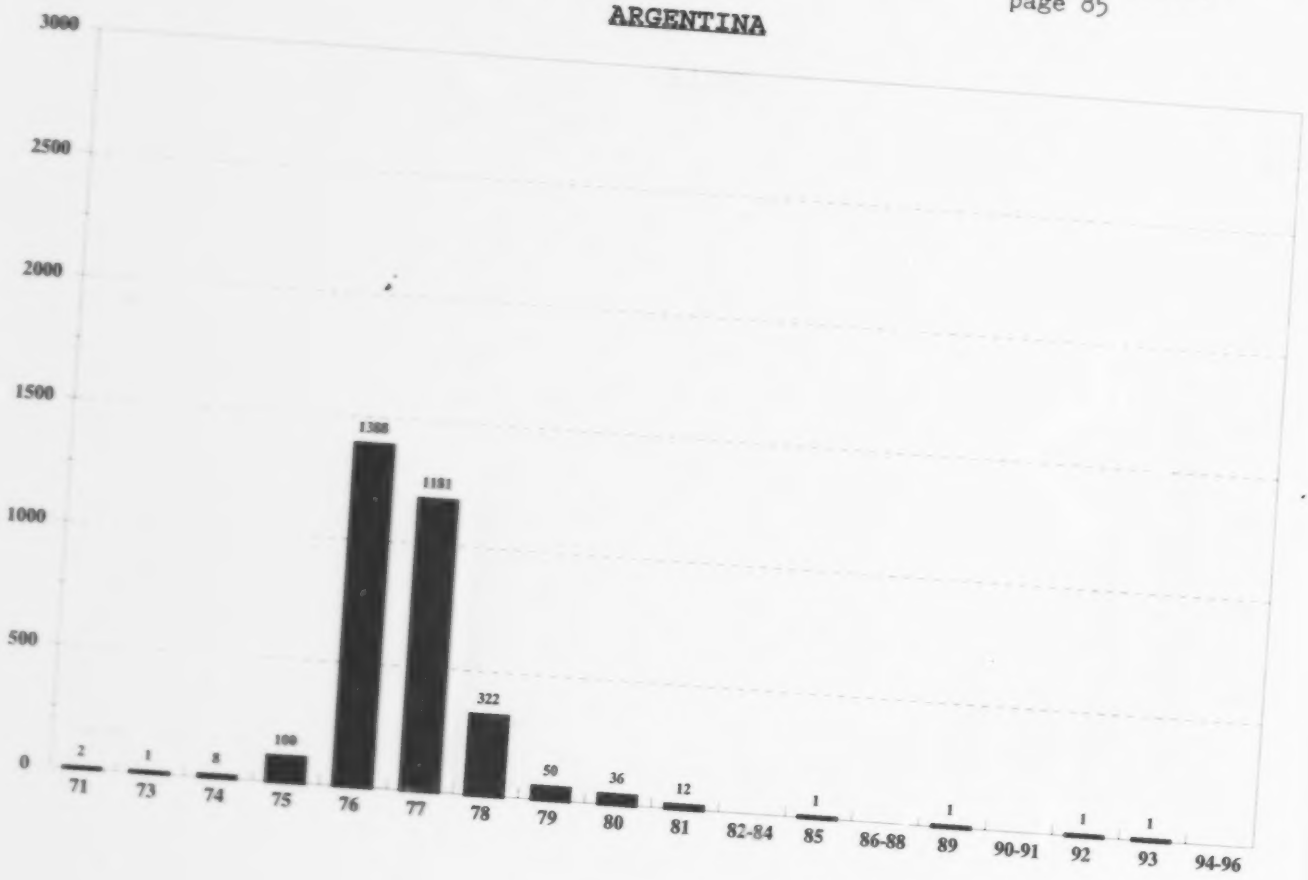
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94-96

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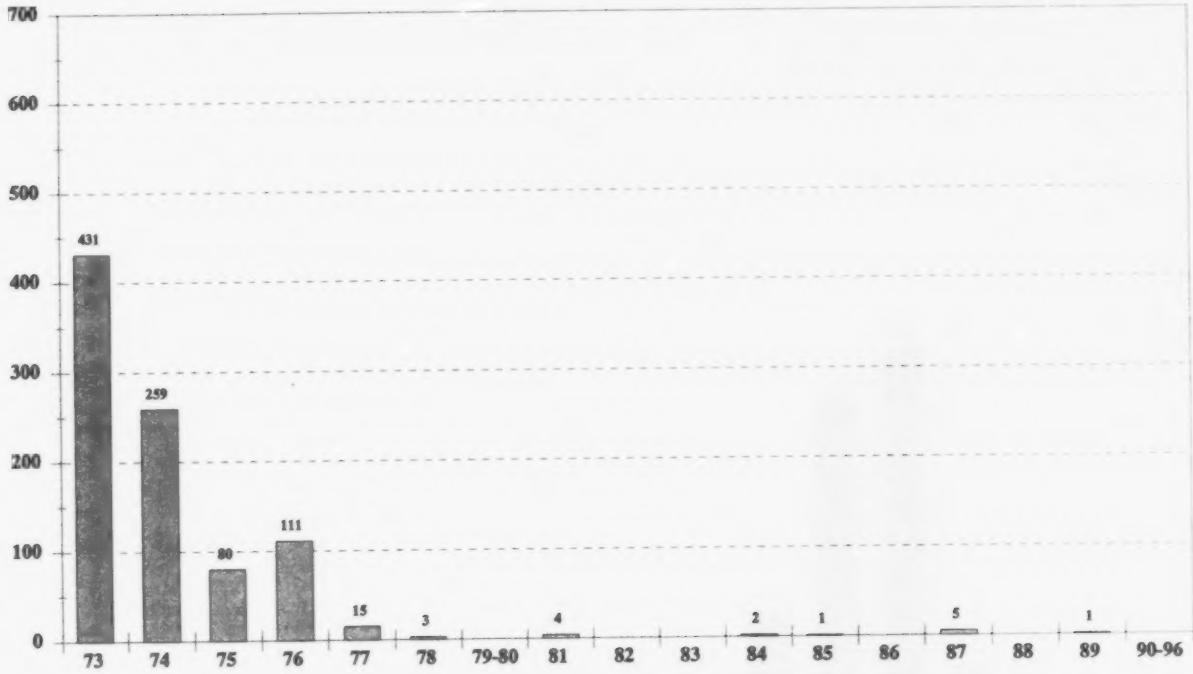
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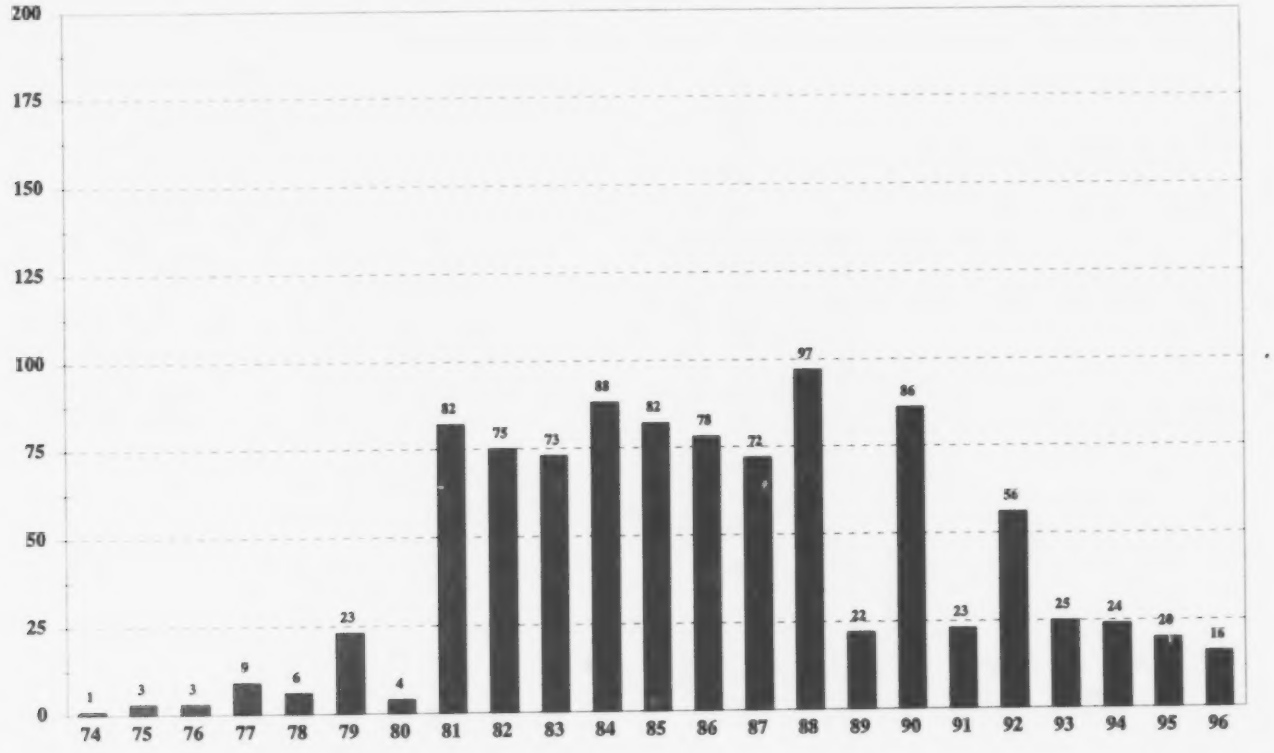
COLOMBIA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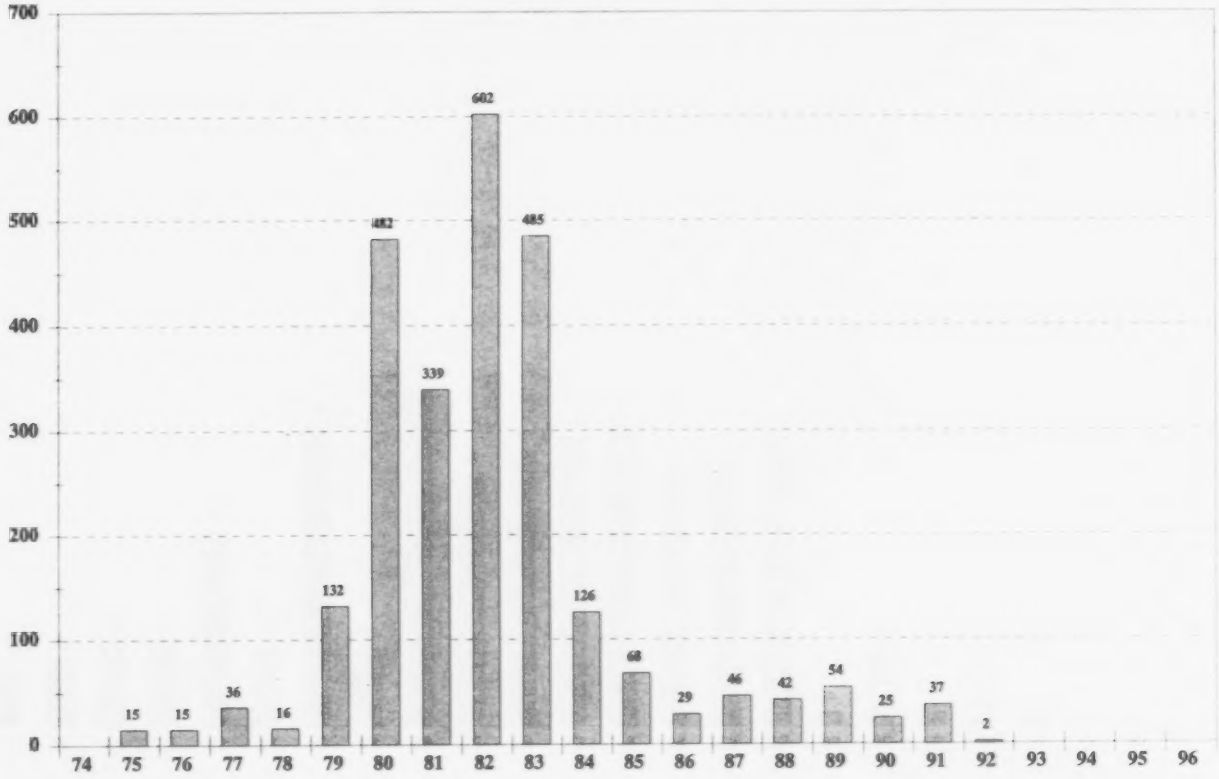
EL SALVADOR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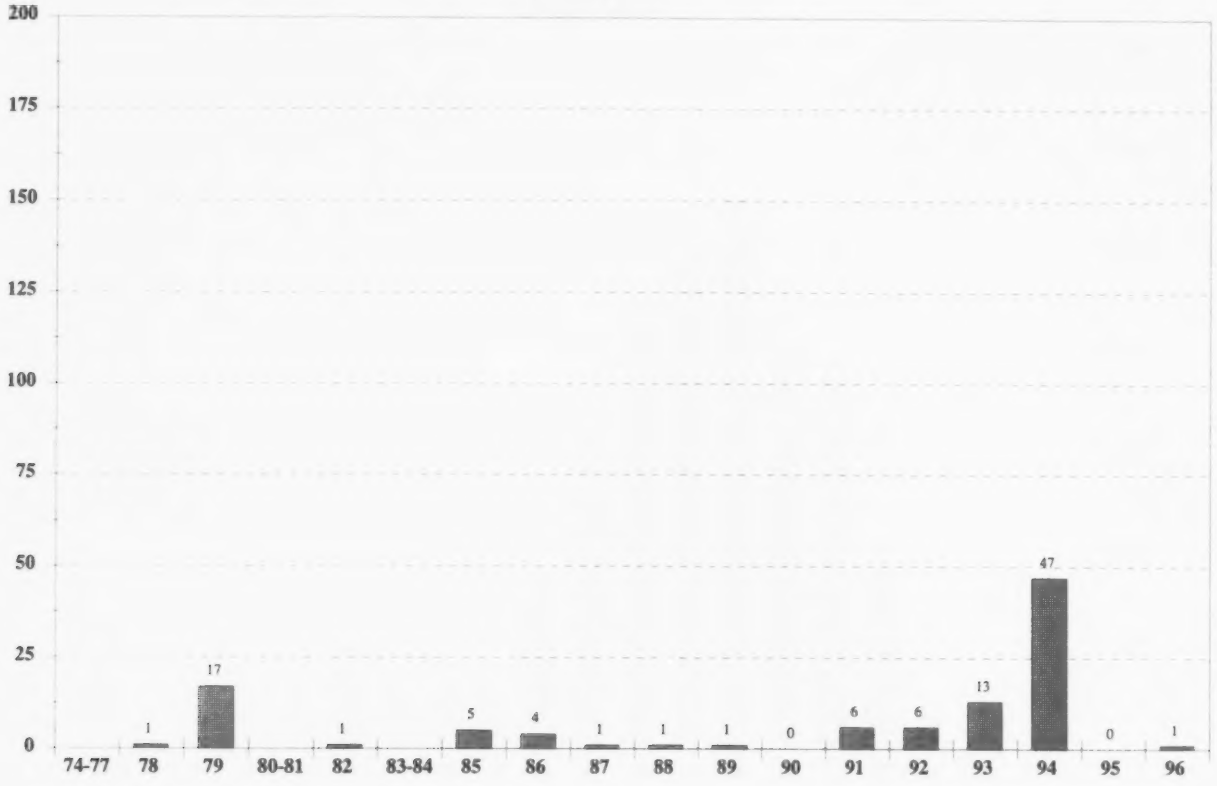
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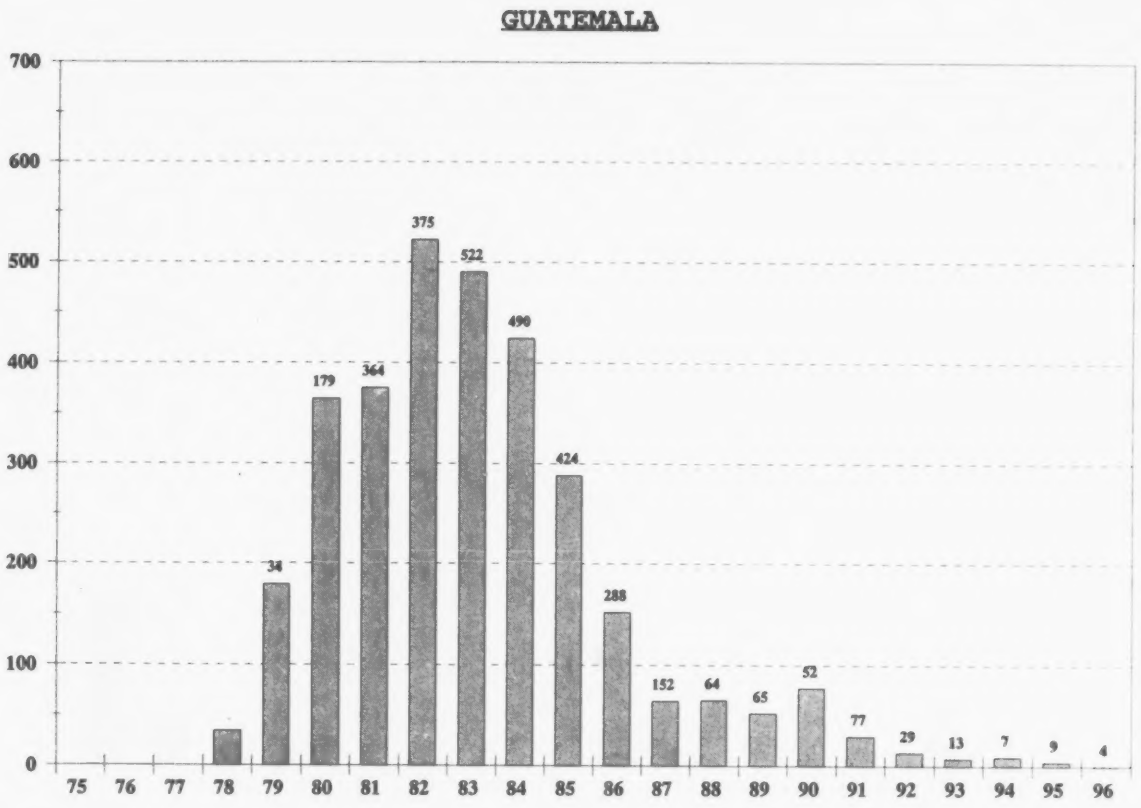
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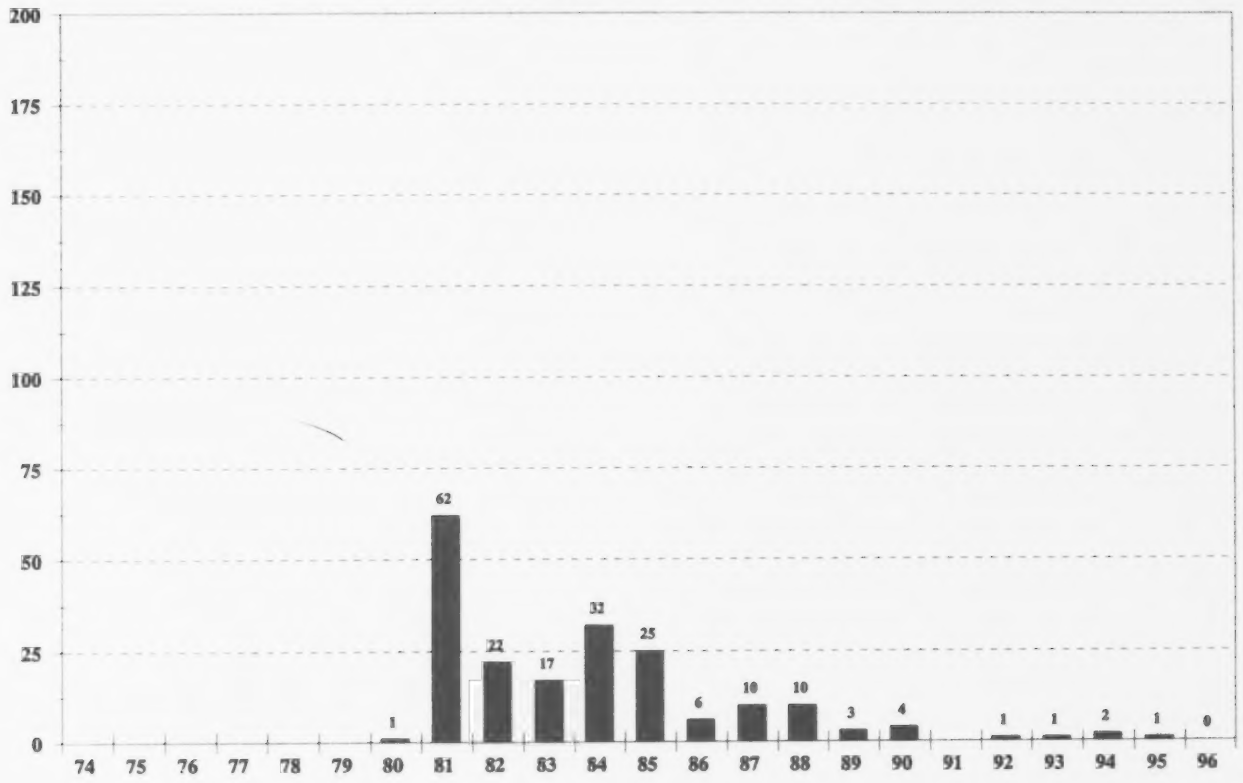
HONDURAS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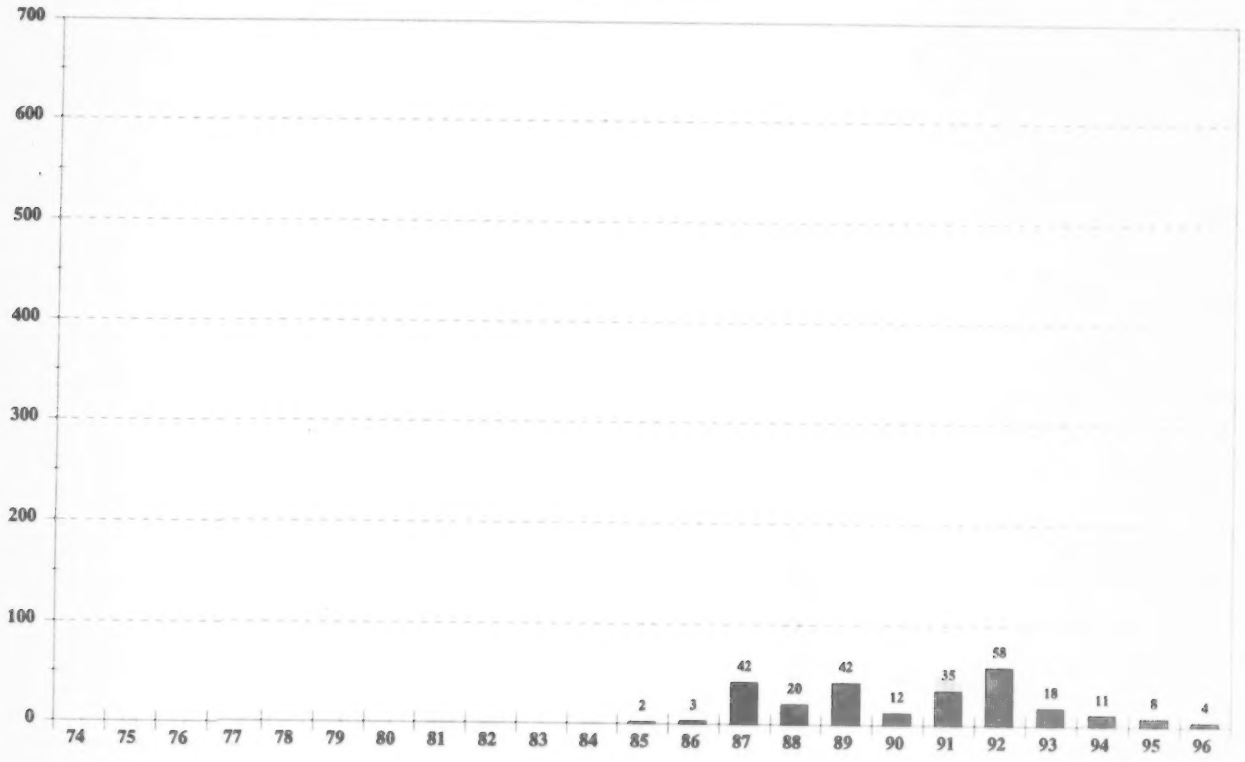
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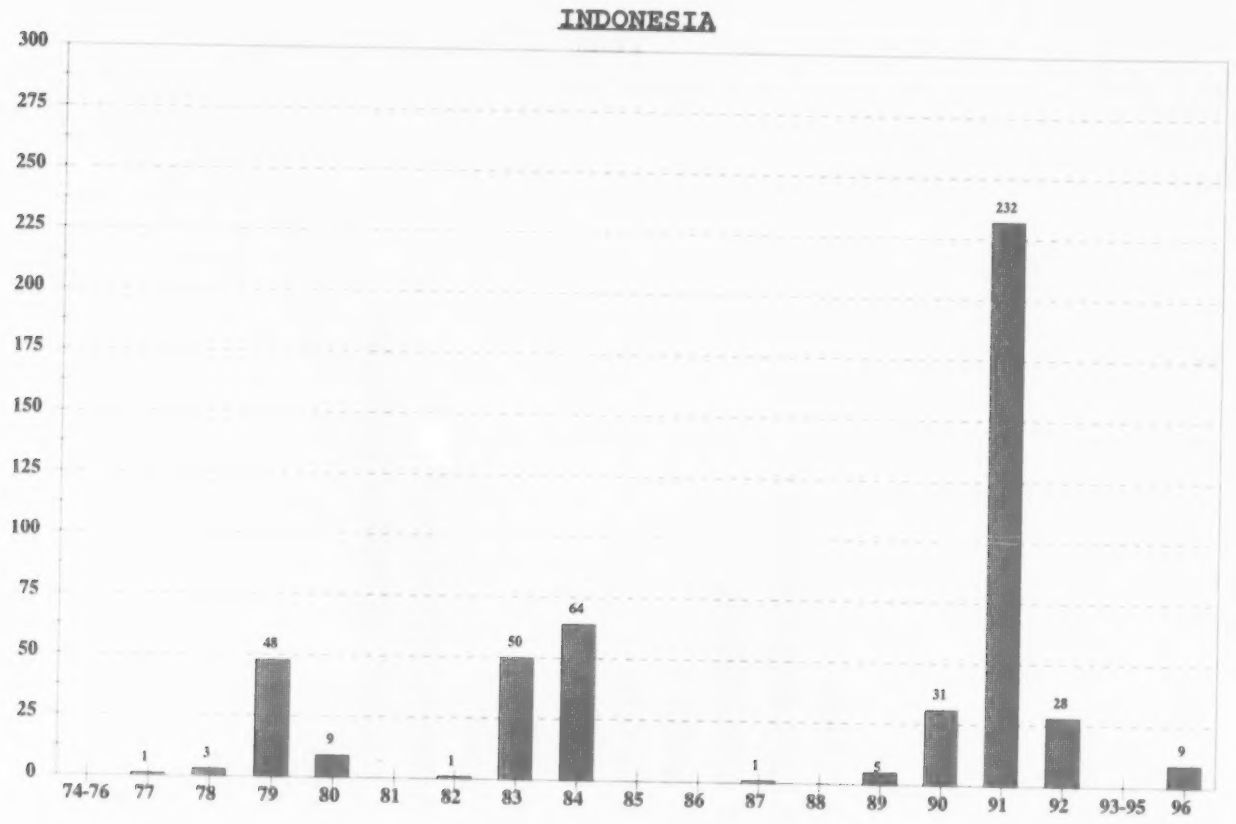
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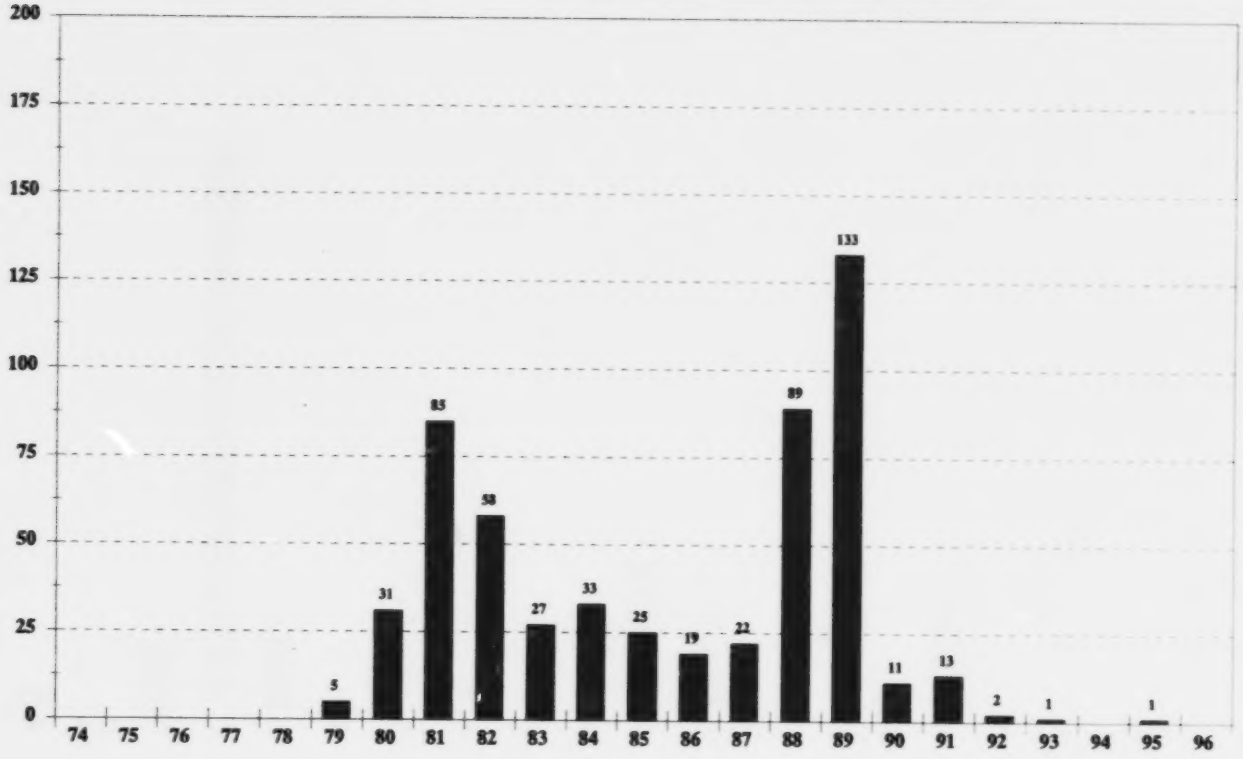
IRAN (ISLAMIC REPUBLIC OF)



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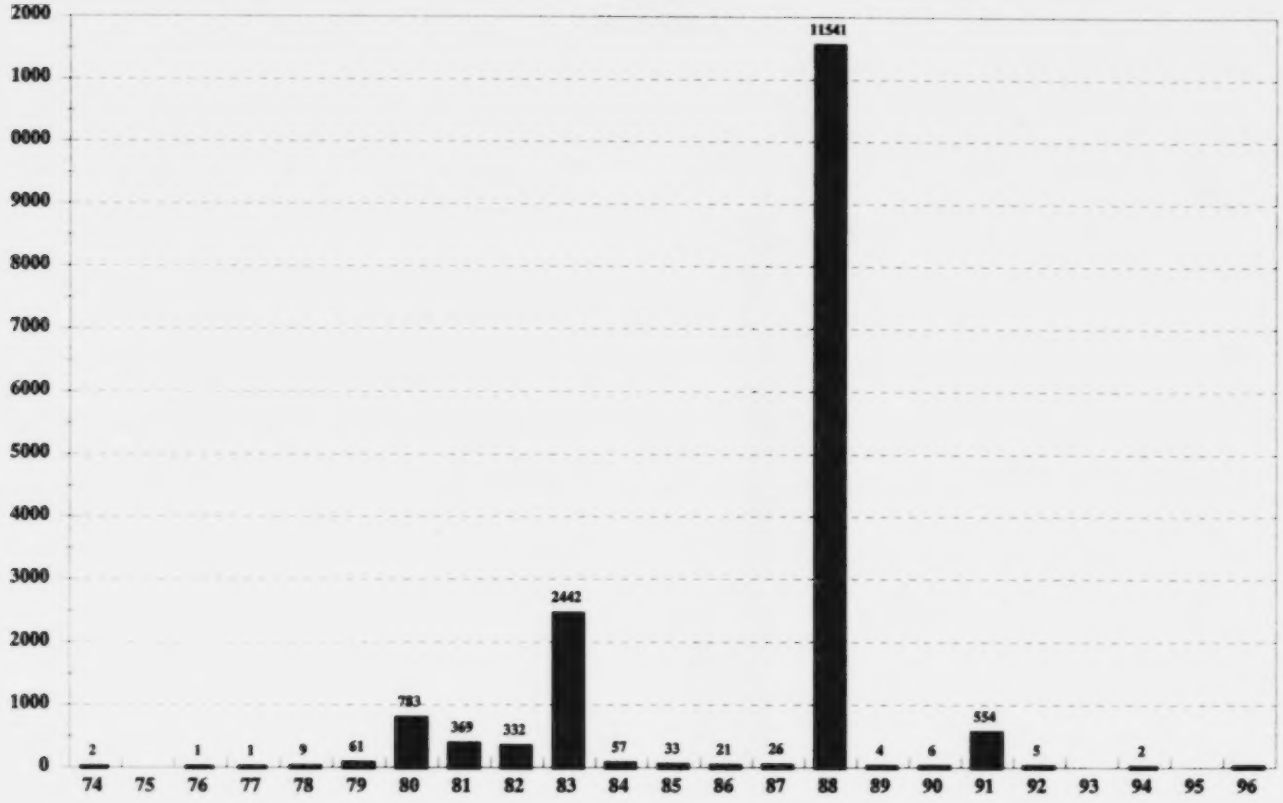
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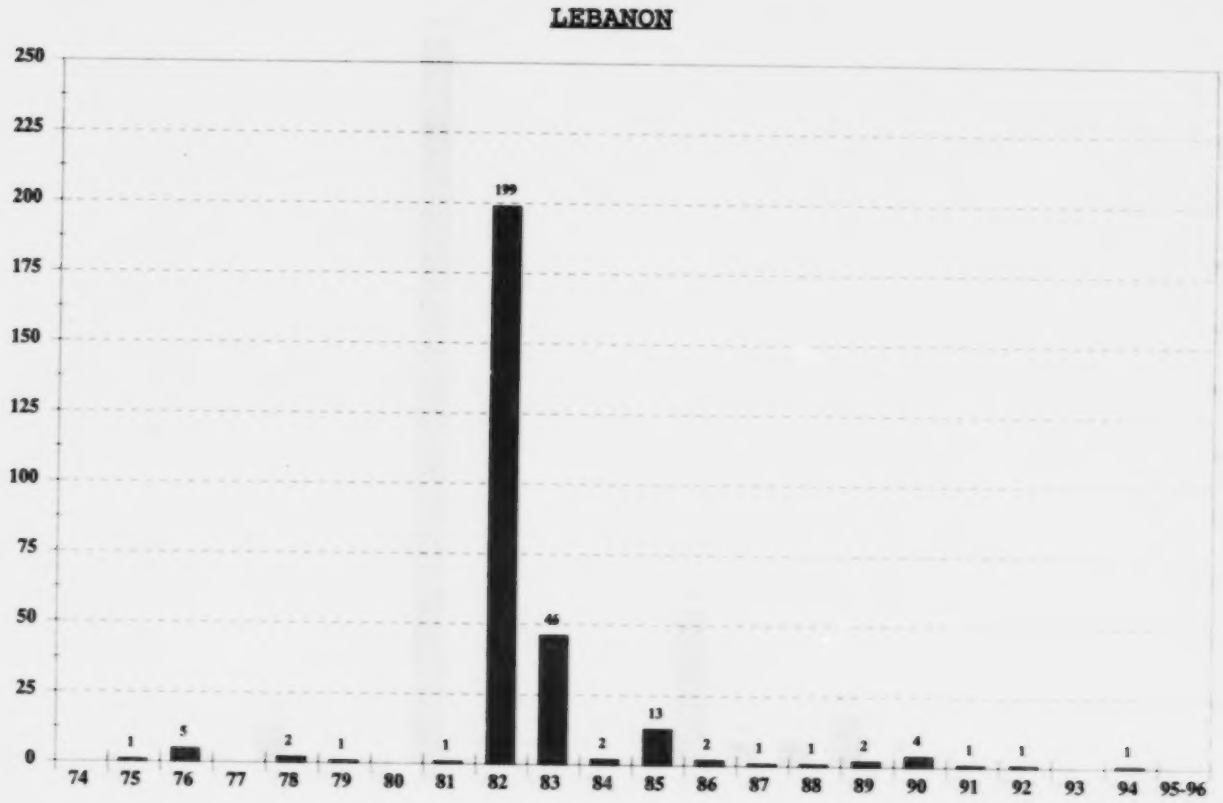
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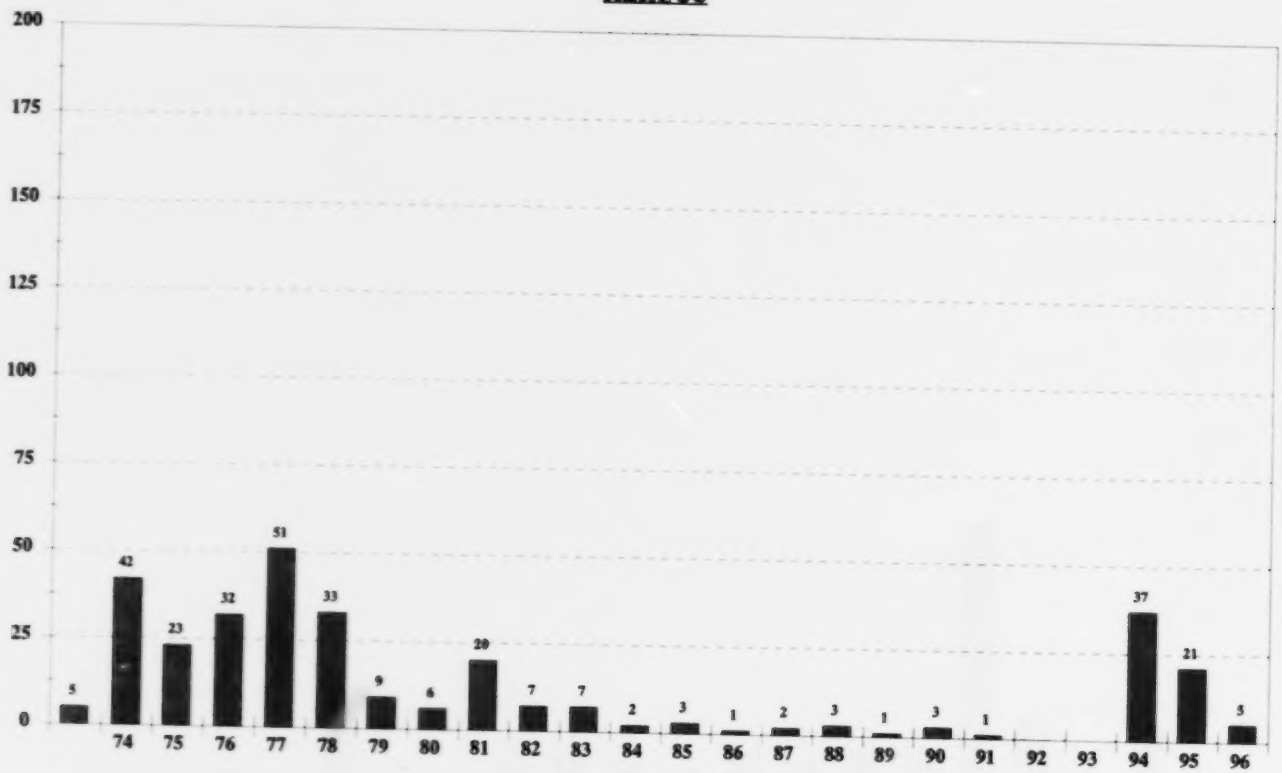
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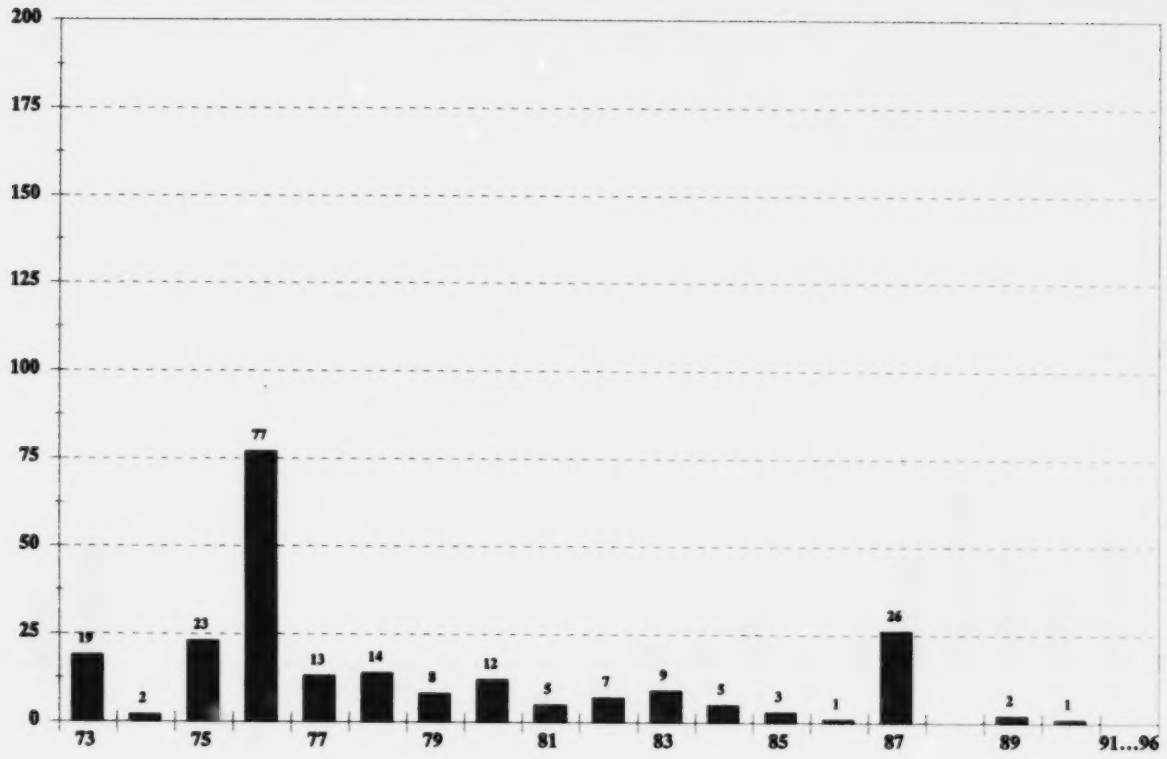
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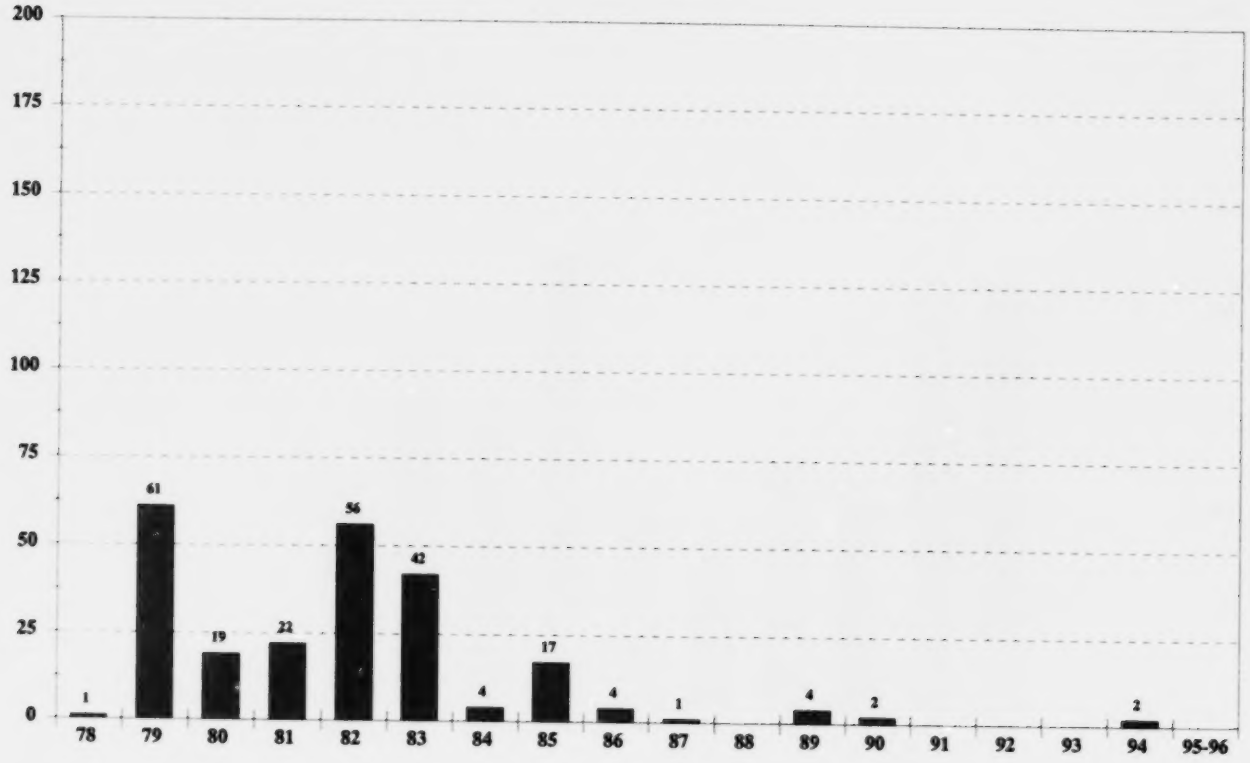
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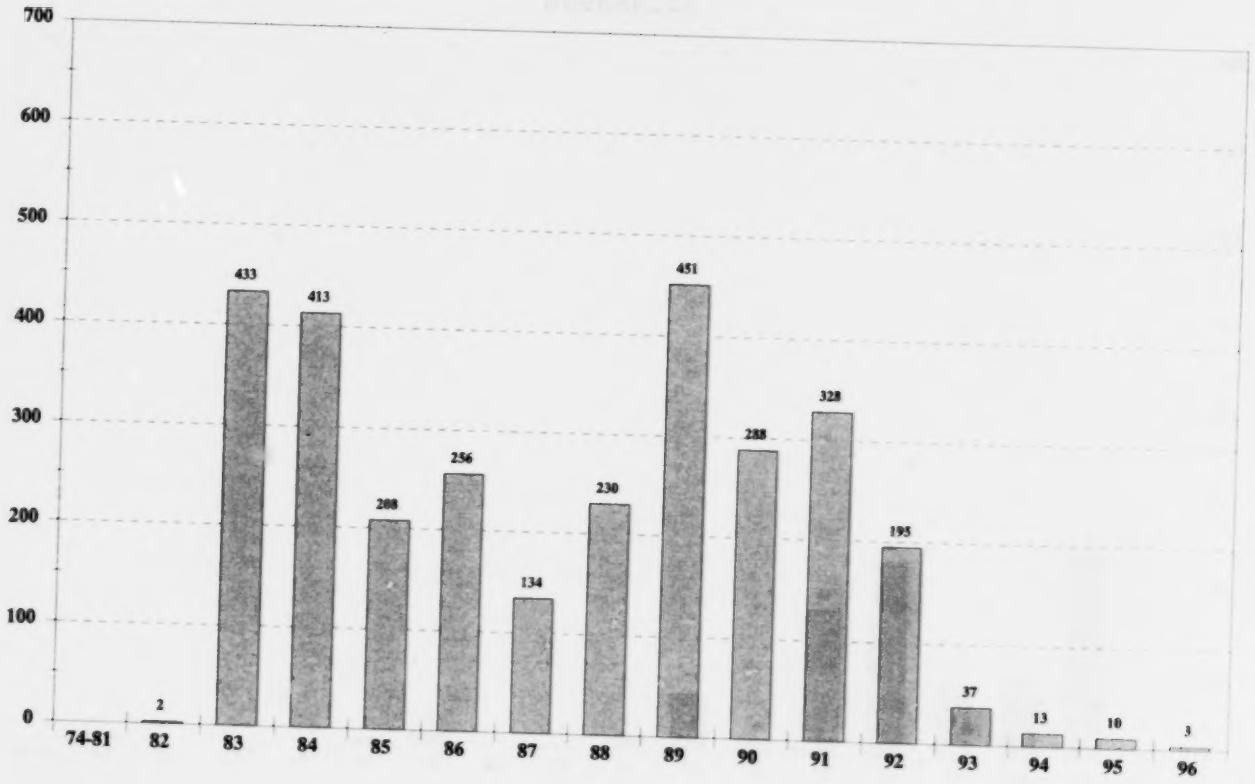
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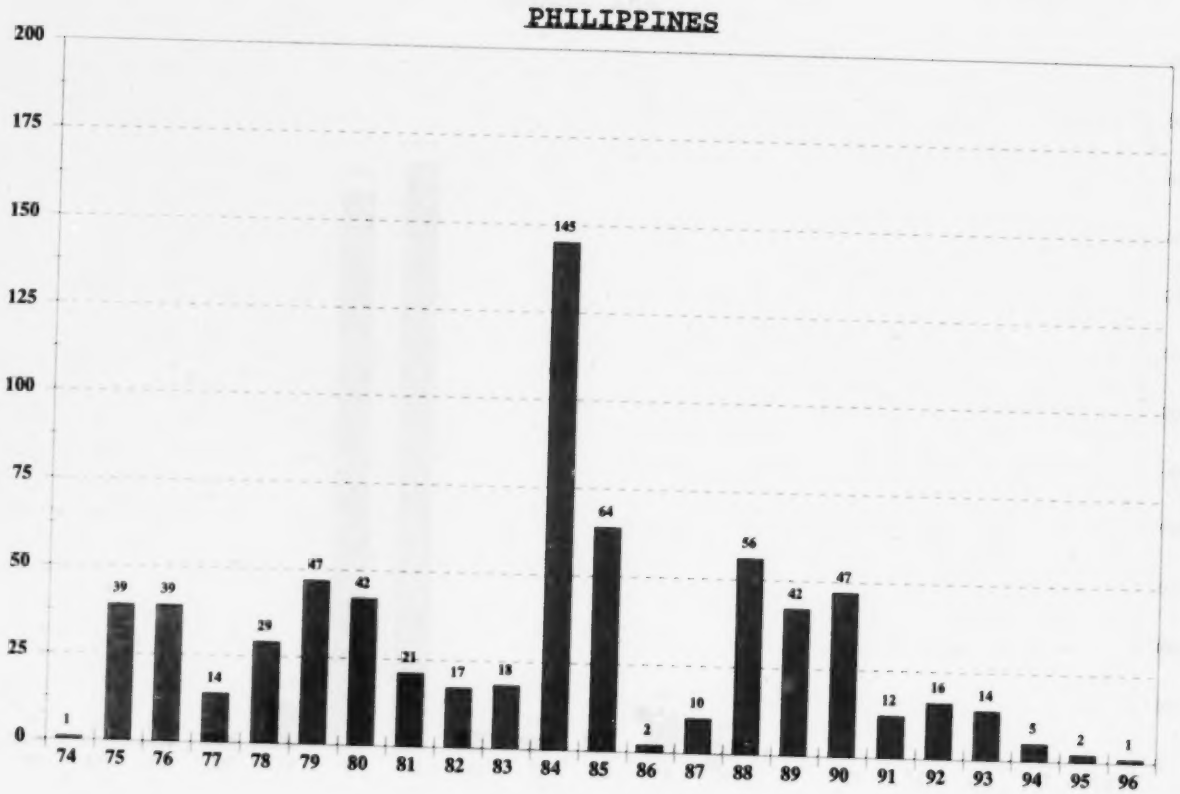
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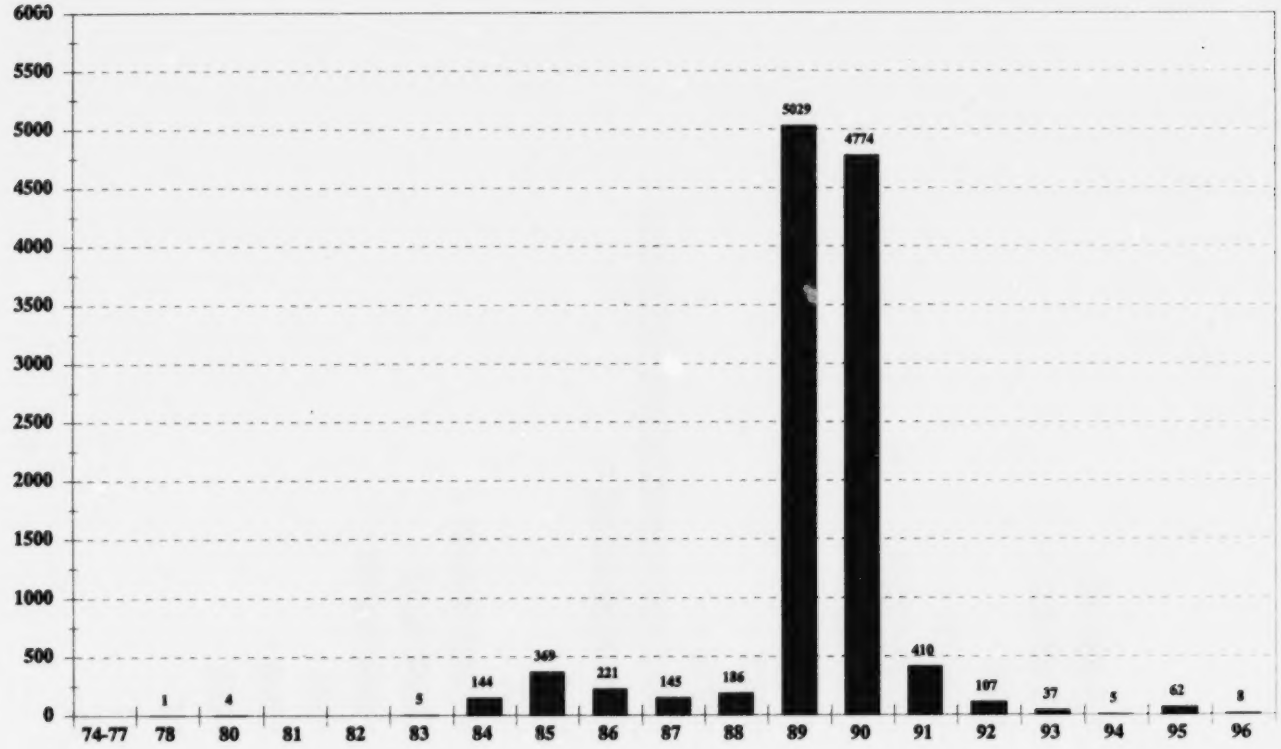
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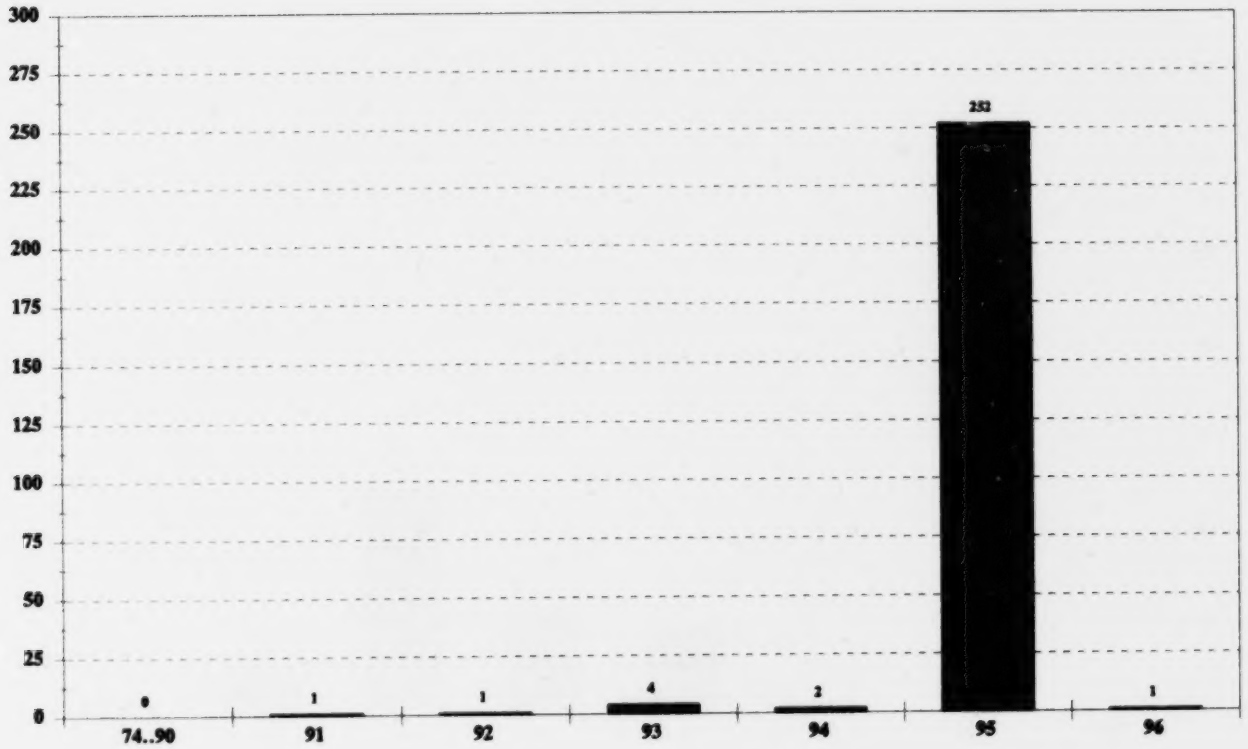
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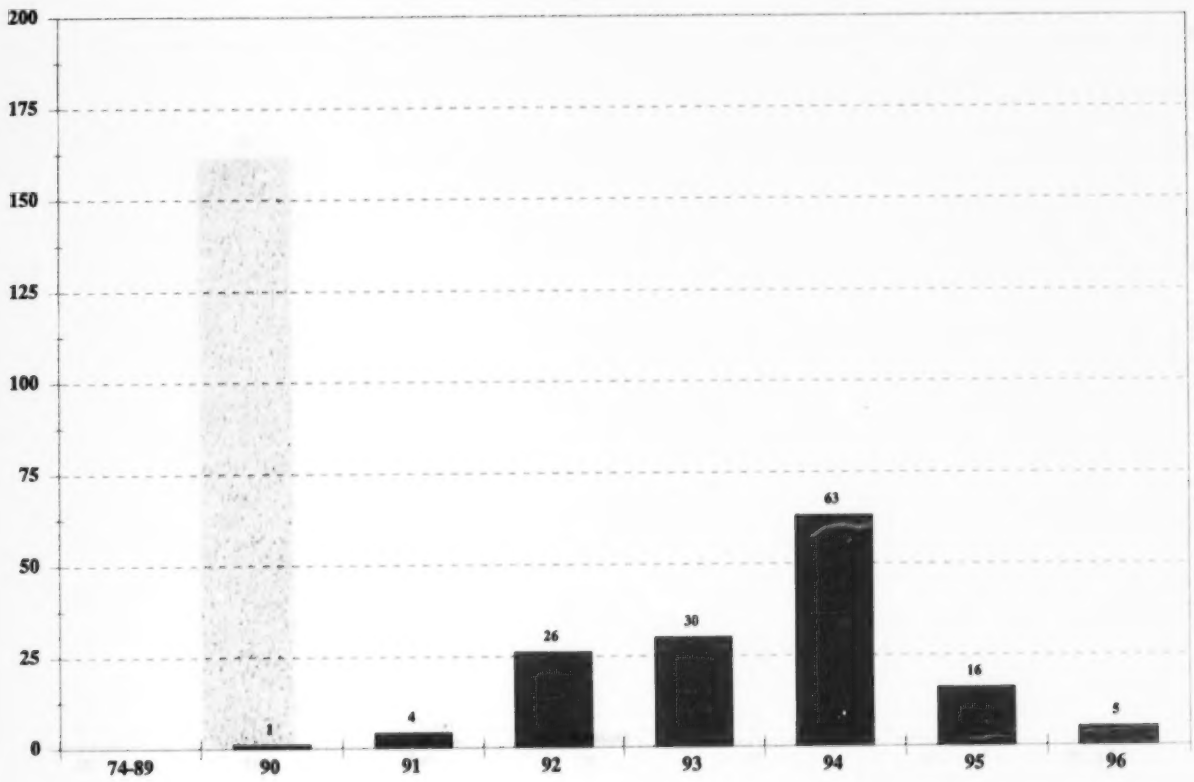
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RUSSIAN FEDERATION